EXTENSIONS OF REMARKS

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. ARCHER. Mr. Speaker, today I am introducing a joint resolution to amend the Constitution in order to mandate the U.S. Congress to commit to balancing the Federal budget and remove the burdens of large Federal deficits off of the American people. This legislation is essential to the future of our Nation as we stand on the threshold of the 21st century. The costs of maintaining our national debt have absorbed increasing proportions of national savings that would otherwise have been available to finance investment, either public or private. Today, interest payments alone on the debt are the largest item in the budget, comprising over 20 percent of all Federal spending.

This type or irresponsible spending and management must end. Now the 105th Congress has the opportunity to do just that. My balanced budget amendment is very similar to the language that passed the House of Representatives in 1995 by a vote of 300 to 132. However, the most important distinction of my amendment from the 1995 language is the provision specifying the vote margin needed to waive the balanced budget requirement. Under the previously passed bill, three-fifths of the whole House and Senate were required to waive the balanced budget requirements. My amendment sets a more stringent and imperative requirement of two-thirds of those present and voting—the same margin necessary to pass a constitutional amendment.

I hope that my colleagues, on both sides of the aisle, agree that actions speak louder than words. We've talked about our commitment to balancing the budget for long enough, it's time to do it.

INTRODUCTION OF GUNS AND DRUNKS LEGISLATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, I wouldn't have thought it was necessary to introduce a bill prohibiting gun sellers from selling guns to obviously intoxicated individuals, but it is.

as the law stands, you can't sell alcohol to someone who is clearly drunk because that person might hurt himself or others, but you can sell a drunk a dangerous firearm. Even without a law, common sense might dictate that you don't sell a gun to a drunk, but unfortunately, not everyone uses their common sense.

Deborah Kitchen, a mother of five, was shot by her ex-boyfriend and left paralyzed from the neck down a mere half an hour after the man bought a $100 rifle at a K–Mart in Tampa, FL. The man had consumed a case of beer and nearly a fifth of whiskey before he bought the gun. He was so incapacitated at the time of the purchase that the store clerk had to fill out the Federal firearm registration form.

Ms. Kitchen successfully sued K–Mart for negligence, but the retail chain has appealed, denying any liability. K–Mart doesn't think it did anything wrong in selling the drunk the gun that paralyzed Ms. Kitchen. If gun sellers cannot act responsibly on their own, it is up to us to force them to act responsibly. No one should sell a gun to a drunk, period. My bill would make it a Federal crime to sell a gun to a drunk in an effort to ensure that there won't be any more Deborah Kitchens in the future.

RECOGNIZING THE CONTRIBUTIONS OF MINNESOTAN HUMAN RIGHTS ADVOCATE BARBARA FREY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, I rise today in recognition of an extraordinary Minnesotan, Barbara Frey. For 11 years as executive director of Minnesota Advocates, an internationally recognized human rights organization which has played an instrumental part in human rights work, Ms. Frey has poured her tireless energy and efforts into the establishment of the cause of fighting human rights abuses on a worldwide basis. While Barbara Frey will be relinquishing that role, I can safely predict as her Representative and friend that she will continue to make a major contribution to our community and society. Ms. Frey's accomplishments will provide a sound basis and status for her future work in Minnesota and internationally.

Some people have one job; Barbara Frey has several. In addition to her work at Minnesota Advocates, Ms. Frey may add to her resume work as an adjunct professor of human rights at the University of Minnesota Law School In addition, every Sunday she delivers food-shelf donations to the needy from St. Francis Cabrini Catholic Church. She also coaches girls' basketball and teaches a weekly course at St. Paul's Expo Magnet School, where her daughter, Maddie, is a student. Ms. Frey recently paid a visit to the White House on International Human Rights Day to be honored by President Clinton for her efforts to promote women's rights.

Whether educating Minnesota's students or reprimanding military leaders about human rights violations, Barbara Frey has approached her valuable work with the same passion of conviction, courage, and purpose of mission. St. Paul, MN, is fortunate to be home to this most talented and dedicated individual, whose work provides important lessons for us and for our children. I'm sure my colleagues will join me in paying tribute to Ms. Frey, and I join in applauding her numerous local and international contributions. Her important work signifies a task well done on a subject that must remain in our consciousness, both today and tomorrow.

INTRODUCTION OF THE RECONSTRUCTIVE BREAST SURGERY BENEFITS ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce the Reconstructive Breast Surgery Benefits Act of 1997 to guarantee that insurance companies cover the cost of reconstructive breast surgery that results from mastectomies for which coverage is already provided. In addition, the legislation would secure insurance coverage for all stages of reconstructive breast surgery performed on a nondiseased breast to establish symmetry with the diseased one when reconstructive surgery on the diseased breast is performed.

In 1995, an estimated 182,000 American women were diagnosed with breast cancer, and 85,000 of them underwent a mastectomy as part of their treatment. Reconstructive breast surgery often is an integral part of the mental and physical recovery of women who undergo this traumatic, disfiguring procedure. Unfortunately, insurance companies don't always see it that way. Even though many of them are willing to pay for mastectomies, they sometimes balk at covering breast reconstruction. This legislation would put an end to this shortsighted practice and guarantee that women with breast cancer are not victimized twice—first by the disease, then by their insurance companies.

According to the American Society of Plastic and Reconstructive Surgeons [ASPRS], a significant number of women with breast cancer must undergo mastectomy or amputation of a breast in order to treat their disease appropriately. The two most common types of reconstruction—tissue expansion followed by an implant insertion and flap surgery—can restore the breast mound to a natural shape. Most breast reconstruction requires a series of procedures that may include an operation on the opposite breast for symmetry.

Even though studies show that fear of losing a breast is a leading reason why many women do not participate in early breast cancer detection programs, many general surgeons don't even present reconstruction as an option for mastectomy candidates. Unfortunately, many women are unaware that reconstruction is an option following mastectomy, and they put off testing and/or treatment for breast cancer until it is too late.

A recent ASPRS survey—with an error range of ±1.9 percent—indicates that 84

percent of respondents had up to 10 patients who were denied insurance coverage for breast reconstruction of the amputated breast. Of those surgeons who support State legislation to address this problem and reported denied coverage, the top three procedures denied most often were symmetry surgery on a nondiseased breast, revision of breast reconstruction, and nipple areola reconstruction. The top five States of residence of those patients reporting denied coverage are Florida, California, Texas, Pennsylvania, and New York.

California and Florida also are among the 13 States that have passed laws requiring breast reconstruction coverage after mastectomy. However, State laws alone, such as the California and Florida laws, do not provide adequate protection for women because States do not have jurisdiction over interstate insurance policies provided by large companies under the Employee Retirement Income Security Act [ERISA]. As a result, even women in States that have attempted to address this issue are still at risk of being denied coverage for reconstructive surgery.

The Reconstructive Breast Surgery Benefits Act would amend the Public Health Service Act and ERISA to do the following: require health insurance companies that provide coverage for mastectomies to cover reconstructive breast surgery that results from those mastectomies, including surgery to establish symmetry between breasts; prohibit insurance companies from denying coverage for breast reconstruction resulting from mastectomies on the basis that the coverage is for cosmetic surgery; prohibit insurance companies from denying a woman eligibility or continued eligibility for coverage solely to avoid providing payment for breast reconstruction; prohibit insurance companies from providing monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this act; prohibit insurance companies from penalizing an attending care provider because such care provider gave care to an individual participant or beneficiary in accordance with this act; and prohibit insurance companies from providing incentives to an attending care provider to induce such care provider to give care to an individual participant or beneficiary in a manner inconsistent with this act.

On the other hand, the Reconstructive Breast Surgery Benefits Act would not: Require a woman to undergo reconstructive breast surgery; apply to any insurance company that does not offer benefits for mastectomies; prevent an insurance company from imposing reasonable deductibles, coinsurance, or other cost-sharing in relation to reconstructive breast surgery benefits; prevent insurance companies from negotiating the level and type of reimbursement with a care provider for care given in accordance with this act; and preempt State laws that require coverage for reconstructive breast surgery at least equal to the level of coverage provided in this act.

Mr. Speaker, women who have breast cancer suffer enough without having to worry about whether or not their insurance companies will cover reconstructive surgery. I urge my colleagues in helping to give these women peace of mind and the coverage they need by supporting the Reconstructive Breast Surgery Benefits Act.

CONCERNING A CONGRESSIONAL FAILURE TO COMPLY WITH THE CONSTITUTION DURING THE 104TH CONGRESS

HON. DAVID E. SKAGGS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SKAGGS. Mr. Speaker, I want to call to the attention of the House what appears to be a failure of the Congress to comply with a clear and basic constitutional mandate.

Section 7 of article I—known as the presentment clause—says ''Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States'' for approval or veto. Nothing could be clearer—if a bill is passed by both bodies, it must be presented to the President. The Constitution does not allow for any exceptions. Yet during the 104th Congress, an exception was made on one occasion, the constitutional mandate notwithstanding.

As Members who served in the last Congress will remember, last year the leadership of both the House and Senate decided to expedite our adjournment by combining various 1997 appropriations usually dealt with in separate measures into a single omnibus appropriations bill. It was also decided, for tactical reasons, to have two versions of that omnibus bill—one being a conference report on a 1997 defense appropriations measure, the other being a new, freestanding bill, H.R. 4278. H.R. 4278 came to be known in Capitol parlance as the ''clone'' omnibus appropriations bill.

Accordingly, on September 28, 1996, the House agreed to consider the conference report and also agreed that if the conference report was adopted, H.R. 4278, the clone bill, also would be deemed passed.

The House did pass the conference report on September 28, and on September 30, 1996, both that conference report and H.R. 4278 were considered and approved by the Senate as well. In fact, the Senate passed the clone bill, without amendment, by a separate rollcall vote of 84 to 15.

In short, last year two omnibus 1997 appropriations bills were passed in identical form by both the House and the Senate. Constitutionally, both bills had equal standing, and both should have been presented to the President. Even though the President predictably would have let one die by pocket veto.

This requirement was not met. The conference report was presented to the President and was signed into law. But the normal, constitutional procedures were not followed with respect to the other bill, H.R. 4278.

Before a bill can be presented to the President, it must be enrolled and signed by the Speaker and by the President of the Senate, or others empowered to act for them, to attest that it has in fact been passed by both bodies. And, before a House bill—such as H.R. 4278—can be enrolled, the bill and related papers must be returned to the House by the Senate. In the case of H.R. 4278, evidently, this normally routine step was not taken. The bill was not returned to the House, and so it was never enrolled, never signed by the Speaker or anyone else authorized to sign it, and never presented to the President—despite the clear mandate of the Constitution.

We should see this failure to comply with the Constitution as a serious and troubling matter.

Because I understood that the breakdown had occurred on the other side of the Capitol, I raised the matter with the majority leader of the Senate in a telephone conversation and, subsequently, in a letter which I ask unanimous consent be included in the RECORD at the conclusion of my remarks.

As I noted then, I can understand why, as a practical matter, it might seem redundant to send two identical bills to the President. But the Constitution doesn't give Members of Congress—even leaders—the authority to selectively withhold from the President any bill that has passed both Houses. And while in this case refusing to send H.R. 4278 to the President won't make a practical difference—since an identical measure has been signed into law—it is easy to imagine how it could set a bad, even a dangerous precedent in other circumstances.

It was my hope, Mr. President, that when this matter was called to the attention of the leadership, steps would be taken to make sure that H.R. 4278 was duly enrolled, signed, and presented to the President. Unfortunately, that did not occur and, now that a new Congress has begun, it evidently cannot occur.

That is very regrettable and, as I've already said, something that I think we need to take seriously. As Members of Congress, we have each sworn to uphold the Constitution. If we are to be faithful to that oath, we must make sure that Congress in the future meets its constitutional requirements, including those imposed by the presentment clause.

Mr. Speaker, for the information of the House, I include at this point my letter of December 23, 1996, to the majority leader of the Senate concerning this matter.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 1996.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR TRENT: Thanks very much for calling me at home a second time last week; sorry to have missed your first try. I greatly appreciate having been able to talk with you about the so-called ''clone'' omnibus appropriations bill. As I mentioned, I have some serious concerns about the way the bill has been handled.

On September 28, the House agreed to consider the conference report regarding H.R. 3610 (the omnibus consolidated appropriations bill for fiscal 1997) and agreed that, upon adoption of that conference report, H.R. 4278 (a separate, identical measure) would also be considered as passed.

As you know, the House did pass the conference report, and on September 30, both the conference report and H.R. 4278 were considered and approved by the Senate as well, the latter being passed without amendment by a vote of 84–15 (rollcall number 302). However, while H.R. 3610 was presented to the President on September 30 (and signed into law as P.L. 104–208), I understand that the Senate has not yet returned to the House the papers related to H.R. 4278, and as a consequence the House (where the bill originated) has been unable to take the steps necessary for the bill to be presented to the President in accordance with Section 7 of Article I of the Constitution (the ''presentment clause'').

It's true that enactment of P.L. 104–208 means that enactment of H.R. 4278 would be redundant. However, the presentment

clause's requirement that ''Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States'' does not provide an exception for such circumstances. I am unaware of any Constitutional authority for a measure passed in identical form by both the House and Senate to be selectively withheld from presentment to the President for his approval or veto.

It seems to me that any failure to fulfill the requirements of the Constitution in this case would set a troublesome precedent. While it has no practical consequence in this instance, a decision here not to complete the mandated administrative steps after passage could be cited later as precedent for a similar inaction carrying more problematic results. Therefore, I urge you to take all necessary steps to ensure that H.R. 4278 can be properly enrolled and presented to the President, as required by the Constitution.

Thank you very much for you attention and assistance.

With best personal regards,

Sincerely yours,

DAVID E. SKAGGS.

PERSIAN GULF SYNDROME HEALTH BENEFITS EXTENSION ACT OF 1997

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. QUINN. Mr. Speaker, I rise today to introduce legislation which extends priority healthcare to Persian Gulf war veterans who served in Israel and Turkey. My bill is entitled the ''Persian Gulf Syndrome Health Benefits Extension Act of 1997.'' The bill has received bipartisan support and passed the House of Representatives by voice vote in 1996.

Men and women who served during the Persian Gulf war in Israel and Turkey were originally excluded from the definition of in-theatre operations. Many of these soldiers suffer from similar undiagnosed medical problems that may be related to service during the Persian Gulf war.

Throughout my service on the House Committee on Veterans' Affairs, I have emphasized the need to alleviate the suffering of those individuals afflicted with Persian Gulf war illnesses. It is time to simply care for our veterans who so bravely fought for our country.

CHRIS LEWIS—A POSITIVE FORCE IN OUR COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. FILNER. Mr. Speaker, I rise today to pay special tribute to Chris Lewis, president of the Chula Vista Chamber of Commerce for this past year, 1996.

Throughout the past year, Chris urged local business and community leaders to ''accentuate the positive.'' That spirit helped bring more than twenty new businesses to the city of Chula Vista in 1996, and it laid the groundwork for continued economic development.

During Chris' term as president, the Chula Vista Chamber of Commerce expanded its involvement in the education of our children, the training of our Olympic athletes, and the training of our future civic leaders.

Indeed, Chris Lewis has accentuated the positive by creating and fostering a positive atmosphere for local residents and local businesses. The Chula Vista Chamber of Commerce has laid the framework for long-term economic expansion with the founding of the Chula Vista Convention and Visitors Bureau and the renovation of the Chula Vista Visitors' Information Center.

Mr. Speaker, on behalf of the residents of Chula Vista and the 50th Congressional District, I thank Chris Lewis for his service to our community, and I ask the citizens of our community to continue to work for its betterment.

REDUCE LEGAL IMMIGRATION LEVELS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, a reduction in immigration is essential to improving the country's economy and social weaknesses. With this in mind, I am today introducing legislation to cut the number of legal immigrants who enter our country each year.

Once again, I am sponsoring the Immigration Moratorium Act. The legislation provides for a significant, but temporary, reduction in legal immigration levels. Under my bill, immigration would be limited to the spouses and minor children of U.S. citizens, a reduced number of refugees and employment-based immigrants, and a limited number of immigrants who are currently waiting in the immigration backlog. Total immigration under my proposed moratorium would be less than 300,000 per year. The moratorium would end after approximately 5 years, provided no adverse impact would result from an immigration increase.

A temporary moratorium is a sound response to our present situation that allows for unprecedented and unmanageable levels of immigrants. Currently, the United States admits about 1 million legal immigrants annually, more than any other industrialized nation in the world. Based upon recent trends, this number will continue to climb unless we take the necessary steps to restore immigration to reasonable levels. I am extremely troubled by the fact that study after study has shown that the excessive immigration we are experiencing exacerbates many of the country's most disturbing problems, such as overcrowded jails, inadequately funded schools and hospitals, violent crime and unemployment. Moreover, legal immigration is costly and has a significant impact on our ability to balance the budget. For example, the projected net cost to taxpayers of legal immigration will be $330 billion over the next 10 years.

Mr. speaker, Americans have repeatedly voiced their concerns about the potentially grave consequences associated with unrestrained immigration. A recent Wall Street Journal/NBC News poll showed 52 percent support a 5-year moratorium on legal immigration. A Roper poll shows the majority of Americans prefer no more than 100,000 annually. A host of additional polls consistently show a similar sentiment. We would be negligent in our roles as Federal legislators to ignore such compelling public demand for change.

Last Congress, we enacted legislation that addressed some of the country's most pressing illegal immigration problems. Unfortunately, an attempt to improve our legal immigration policies was thwarted. The 105th Congress should not repeat last year's mistake. We should, instead, finish the immigration reform job by evaluating America's immigration needs and devising a policy that will allow us to meet these needs without further burdening American taxpayers.

INTRODUCTION OF THE HMONG VETERANS NATURALIZATION ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

January 7, 1997

Mr. VENTO. Mr. Speaker, today I am introducing the Hmong Veterans Naturalization Act, which would ease naturalization requirements for the Hmong, of Laos, who fought alongside the United States Armed Forces during the Vietnam war. Hmong of all ages fought and died alongside U.S. soldiers, and as a result of the brave position they took and their loyalty to the United States, the Hmong, tragically, lost their homeland. Between 10,000 and 20,000 Hmong were killed in combat and over 100,000 had to flee to refugee camps to survive.

Although it wasn't apparent then, their actions had a major impact on achieving today's global order and the positive changes of the past decade. Extreme sacrifices were made by those engaged in the jungles and the highlands, whether in uniform or in peasant clothing and for those whose homeland became the battlefield. For their heroic efforts, the Lao-Hmong veterans deserve this recognition and consideration.

Many Hmong who survived the conflict were welcomed to the United States and today should be honored for the contributions they are making to our communities in my Minnesota district and to our Nation. Their success in rebuilding their families and communities in the United States stands as a tribute to their strength, but their cause would be greatly helped by passage of the legislation I am introducing today, the Hmong Veterans Naturalization Act.

While it is clear that the Hmong served bravely and sacrificed dearly in the Vietnam war, many of those who did survive and made it to the United States, are separated from other family members and are having a difficult time adjusting to life in the United States. Fortunately, there is something we can do to speed up the process of family reunification and ease the adjustment of the Hmong into U.S. society, at no cost to the Federal Government.

My legislation makes the attainment of citizenship easier for those who served in the special guerrilla units by waiving the English language test and residency requirement. The greatest obstacle for the Hmong in becoming a citizen is passing the English test. Written characters for Hmong have only been introduced recently, and whatever changes most Hmong who served may have had to learn a written language were disrupted by the war.

This bill would also waive the residency requirement for those who served in order to speed up the process of family reunification. Current law permits aliens or noncitizen nationals who served honorably during World War I, World War II, the Korean conflict, and the Vietnam war to be naturalized regardless of age, period of residence, or physical presence in the United States. There is a well-established precedent of modifying naturalization requirement for military service, recently reaffirmed by passage of legislation granting citizenship to those who served in the Filipino Scouts during World War II.

The Hmong stood by the United States at a crucial time, and that service deserves recognition. Today we should stand with the Lao-Hmong in their struggle to become citizens and to live a good life in our Nation.

THE PRESIDENTIAL DEBATE REFORM INITIATIVE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

January 7, 1997

Mr. MCCOLLUM. Mr. Speaker, today I am introducing the Presidential Debate Reform Act. The situation surrounding the current Presidential election has highlighted some of the flaws in our current method for selecting a President and Vice President of the United States of America. One critical flaw involves the way Presidential debates are scheduled.

My legislation would create the framework for deciding the participants and structure of Presidential debates. This framework would include a commission of three people nominated by the President. The President would nominate one person from a list submitted by the Republican National Committee, one person from a list submitted by the Democratic National Committee, and one person who is unaffiliated submitted jointly by the RNC and the DNC. These commissioners would then schedule several debates.

One such debate would be optional and include any candidate who is on the ballot in 50 States or polls at 5 percent in popular polls among likely voters. This could include major party candidates, although it would provide a forum for lesser known candidates to express their views.

The commission would also establish debates for the Vice Presidential and Presidential candidates. These would be for the major party candidates as well as anyone polling over 5 percent in polls taken after the optional debate. Participation in these debates would be mandatory. The penalty for not participating in the debate, other than perhaps embarrassment, would be a reduction in the amount of Federal funds that candidate's party will receive to run the next convention. The reduction would be equal to the fraction of mandatory debates missed. I cannot imagine that a party would want to miss out on $3 million—approximately the amount that would be lost to pay for the 1996 conventions through missing one debate.

This has nothing to do with whether I think certain people should or should not participate in debates. I do think that we need to have an established framework with defined ground rules to ensure the fairness in the system.

Mr. Speaker, I think this is a good bill and I look forward to hearing feedback from my colleagues. I expect to offer this legislation at the beginning of the next Congress and hope to hear meaningful debate.

INTRODUCTION OF GUN SAFETY ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, this bill addresses the problem of the proliferation of cheaply made, easily concealed weapons. This is particularly critical in dealing with our juvenile crime problem. The Office of Juvenile Justice and Delinquency Prevention reports that most juveniles who purchase guns obtain them from informal sources for less than $100.

This bill would put an end to the proliferation of these cheap and dangerous guns by requiring States to set up criteria for guns to be sold within that State's borders. The criteria to be considered would include concealability, safety, quality, and utility for legitimate activities. Any State that chooses not to participate in the program would simply lose some of its Byrne grant money for crime problems.

In addition, in an effort to prevent the numerous accidental deaths of children every year, this bill would require gun manufacturers to install magazine safeties in every gun so that adults can be sure that they have not accidentally left a bullet in the chamber of a gun, even when the magazine is not in the gun.

Because cheap and poorly made handguns are dangerous—and even more dangerous in the hands of the serious juvenile offenders who have easy access to them, and because we need to make certain that guns include all possible safety precautions—I urge my colleagues to join me in sponsoring this legislation.

TRIBUTE TO MURIEL GOLDHAMMER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. FILNER. Mr. Speaker, today, I rise to honor the outstanding contributions of Muriel Goldhammer to the community of San Diego and to the entire southern California region.

Muriel Goldhammer, a native San Diegan, is now retired and is planning to reside parttime in Israel, beginning on January 14, 1997. Before she makes this move, it is fitting that she be recognized for her work in Jewish community relations, in health issues, and in political and civic activities in San Diego, CA.

Before her retirement, Muriel served as director of urban affairs at the University of California, San Diego Extension and as faculty at the School of Public Administration at San Diego State University. She is the author of several publications on public policy issues.

She is currently serving on the steering committee of the San Diego Area Resource Center and on the past presidents council of Hadassah of southern California; on the institutional review board of the Children's Hospital and Health Center; and on the board of directors of the American Jewish Committee.

She was formerly president of the California Southwest Region of Hadassah and a member of their national board. She was the founder and former president of the San Diego chapter of Parents of North American Israelis, as well as executive vice president of their international board of directors and international convention chair. Muriel was founder and chair of the San Diego Zionist Council, which from 1948 to 1958 set up a speakers' bureau on issues of concern to Israel and sent several non-Jewish civic leaders on study tours to Israel.

She has also been deeply involved in health issues, serving on the Coordinating Council for Education in the Health Sciences; as president of the Comprehensive Health Planning Association for San Diego, Imperial, and Riverside Counties; and the board of directors of the San Diego Mental Health Association; and on the Governor's advisory board of the San Diego Treatment Center for the Mentally Ill.

As a member of the political and civic community of San Diego, Muriel served as president and on the board of directors of the League of Women Voters in San Diego and California; on the civil rights committee of the National League of Women Voters; on the boards of directors of the National Conference of Christians and Jews and the San Diego Urban League; on the United Way allocations committee; on the Mayor's committee on uniform hearing procedures; and on the blue ribbon committee on restructuring the San Diego Convention and Visitors' Bureau.

Mr. Speaker, these worthy contributions by such an intelligent, dedicated, and motivated woman were recognized by the celebration of ''Muriel Goldhammer Day'' on January 5, 1997, an event sponsored by the Point Loma Hadassah and Hadassah Southern California.

It is truly fitting that the House of Representatives join in this recognition, and I appreciate the opportunity to call attention to the life-long work of Muriel Goldhammer toward making this world a better place.

LIMIT CONGRESSIONAL TERMS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, as one who has consistently maintained that term limits are an integral part of congressional reform, I am pleased to reintroduce a resolution to limit Representatives to three 4-year terms.

The current system of unlimited 2-year terms hinders the advancement of legislation that is in the Nation's best interest. Members are distracted by reelection concerns and often sacrifice what it best for the country in favor of parochial interests. Under a system of limited terms, the Congress would be a citizen legislative body as the Framers of the Constitution intended. Moreover, congressional term limits promote government efficiency and are conducive to a smaller Federal Government, as Members would be less compelled to support unnecessary port-barrel spending.

Although the 104th Congress was not successful in advancing a term limits amendment,

I am encouraged that the House leadership has not abandoned this worthy cause. We will have an opportunity in the opening days of this Congress to vote on a proposed amendment to the U.S. Constitution to limit our terms and send a message to the public that we are dedicated to building upon last Congress' reforms.

Mr. Speaker, support for term limits remains strong among voters. I encourage my colleagues to favorably respond to their call and vote to limit congressional terms.

INTRODUCTION OF LIVABLE WAGE ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, today I am introducing legislation intended to take a major step forward toward a livable wage for working men and women in our country. Too often American workers are forced to take jobs that pay substandard wages and have few or no health benefits. At a time when U.S. corporations are making record profits and the economy is strong and stable, it seems unreasonable that working families must struggle and cannot make ends meet. It is unconscionable for corporations to sacrifice fair wages for their workers in pursuit of inflated profit margins, and it is doubly so when these businesses are performing work on behalf of the Federal Government—when the workers' taxes which pay for Federal services and products perpetuate such depressed compensation.

My legislation is straightforward, simple and just; if you are a Federal contractor or subcontractor you will be required to pay wages to your employees that exceed the official poverty line for a family of four. This would be fair and equitable compensation achieved by law. When a business contracts for services or materials with the Federal Government and benefits from working families' taxpayer dollars, at the very least it should be required to pay its employees a livable wage.

As of March 4, 1996, the official poverty line for a family of four is $15,600. This is obviously not an exorbitant wage. Imagine a family of four trying to live on this amount or less. It may not seem possible, but it is done every day in this country. There are serious disparities in our society when hard-working men and women, holding down full-time jobs, cannot earn enough to bring their families out of the poverty cycle, while company executives earn an average of 70 times that of their average employee.

My bill does not attempt to alleviate this disparity throughout the business sector, but it does require those corporate entities receiving taxpayer dollars to be accountable to their workers. This is a reasonable and practical bill. It allows companies to count any benefits, such as health care, which they provide for employees as part of their wage determination, and it provides an exemption for small businesses and bona fide job training or apprenticeship programs.

I urge my colleagues to join me in supporting this legislation to help ensure the American worker receives a fair day's pay for a fair day's work.

THE INSPECTOR GENERAL FOR MEDICARE AND MEDICAID ACT OF 1997

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. QUINN. Mr. Speaker, I rise today to introduce the Inspector General For Medicare and Medicaid Act of 1997.

I was prompted to introduce this legislation when seniors in western New York continuously approached me at my town meetings last year with concerns about this issue. Many of us in Congress and throughout the country share their concerns that waste, fraud, and abuse within Medicare and Medicaid Programs have reached an excessive level which threatens the financial stability of our most vulnerable populations.

For instance, one of my constituents gave me copies of his personal medical statements which showed that he was billed three times for the same procedure, amounting to $2,367 in charges. Most people do not scrutinize their medical statements; which helps for fraud to be easily overlooked. in the end, seniors are forced to dip into their life savings.

My bill would establish an exclusive, full-time and independent Office of Inspector General [IG] for the Medicare and Medicaid Programs. This office would be charged with detecting, identifying and preventing waste, fraud and abuse within the Medicare and Medicaid Programs.

This IG office would be required to issue semiannual reports to Congress consisting of recommendations on preventing waste, fraud and abuse within the Medicare and Medicaid Programs.

The IG office would also be responsible for coordinating any audits, investigations, and other activities which promote efficiency in the administration of the Medicare and Medicaid Programs.

The need for this legislation comes down to dollars and cents. According to a 1995 GAO report, unchecked and improper billing alone would cost Medicare in excess of $3 billion over the next 5 years. Furthermore, health fraud has been estimated to cost between 3 and 10 percent of every $1 used to meet the health needs of America's seniors and indigent populations. I think you would agree that this funding would be better spent as a reinvestment in providing healthcare to our Nation's elderly, disabled, and poor citizens.

To further compound the problem, GAO also reported that physicians, suppliers, and medical laboratories have about 3 chances out of 1,000 of having Medicare audit their billing practices in any given year.

At the conclusion of the July 1995 GAO report to Congress, one of the main policy recommendations was to ''enhance Medicare's antifraud and abuse efforts.''

My bill simply responds to this need. I contend that with a separate IG office we can only expand on identifying and preventing fraud, waste, and abuse in healthcare. Based on HHS data, within a 4-year time frame, we have saved $115 for every $1 spent on inspector general operations.

In 1995, the Office of the IG saved $9.7 million per employee. This savings was accomplished with employees working on diversified case loads. It is my understanding that employees in the IG's office do not specialize in Medicare and Medicaid fraud, but must focus on several issues at one time. With a more specialized personnel, other HHS programs such as welfare and head start stand to benefit as well. By magnifying our focus to Medicare and Medicaid fraud, waste, and abuse, I am confident that we will see an increased return of our investment.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SKAGGS. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1997.

This bill, essentially identical to ones that I introduced in the 103d and 104th Congresses, is intended to provide important protection and management direction for some truly remarkable country, adding some 240,700 acres in the park to the National Wilderness Preservation System.

Covering 91 percent of the park, the wilderness will include Longs Peaks and other major mountains, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams. Indeed, the proposed wilderness will include examples of all the natural ecosystems present in the park.

The features of these lands and waters that make Rocky Mountain a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries for these areas are carefully located to assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and water supply facilities and conveyances—including the Grand River Ditch, Long Draw Reservoir, and the portals of the Adams Tunnel. All of these are left out of wilderness.

The bill is based on National Park Service recommendations. Since these recommendations were originally made in 1974, the north and south boundaries of Rocky Mountain National Park have been adjusted, bringing into the park additional land that qualifies as wilderness. My bill will include those areas as well. Also, some changes in ownership and management of several areas, including the removal of three high mountain reservoirs, make it possible to include designation of some areas that the Park Service had found inherently suitable for wilderness.

In 1993, we in the Colorado delegation finally were able to successfully complete over a decade's effort to designate additional wilderness in our State's national forests. I anticipate that in the near future, the potentially more complex question of wilderness designations on Federal Bureau of Land Management lands will capture our attention.

Meanwhile, I think we should not further postpone resolution of the status of the lands within Rocky Mountain National Park that have been recommended for wilderness designation. Also, because of the unique nature of its resources, its current restrictive management policies, and its water rights, Rocky Mountain

National Park should be considered separately from those other Federal lands.

We all know that water rights was the primary point of contention in the congressional debate over designating national forests wilderness areas in Colorado. The question of water rights for Rocky Mountain National Park wilderness is entirely different, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and of Colorado—including in a decision of the Colorado Supreme Court—that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park: the court has ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water with regard to which either the park or anybody else can claim a right.

So far as I have been able to find out, this has not been a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And because the park sits astride the continental divide, there's no higher land around from which streams flow into the park, meaning that there is no possibility of any upstream diversions.

On the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there. However, as a practical matter, the Colorado-Big Thompson Project has extensive, senior water rights that give it a perpetual call on all the water flowing out of the park to the west and into the Colorado River and its tributaries. Thus, as a practical matter under Colorado water law, nobody can get new consumptive water rights to take water out of the streams within the western side of the park.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park. But it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law.

Against this backdrop, my bill deals with wilderness water rights in the following ways:

First, it explicitly creates a Federal reserved water right to the amount of water necessary to fulfill the purposes of the wilderness designation. This is the basic statement of the reserved water rights doctrine, and is the language that Congress used in designating the Olympic National Park Wilderness, in Washington, in 1988.

Second, the bill provides that in any area of the park where the United States, under existing reserved water rights, already has the right to all unappropriated water, then those existing rights shall be deemed sufficient to serve as the wilderness water rights, too. This means that there will be no need for any costly litigation to legally establish new water rights that have no real meaning. Right now, this provision would apply in the eastern half of the park. If—as I expect—the water court with jurisdiction over the western half of the court makes the same ruling about the park's original water rights that the eastern water court did, then this provision would apply to the entire park.

The bill also specifically affirms the authority of Colorado water law and its courts under the McCarran amendment. And the bill makes it clear that it will not interfere with the Adams Tunnel of the Colorado-Big Thompson Project, which is an underground tunnel that goes under Rocky Mountain National Park.

Why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good?

The wilderness designation will give an important additional level of protection to most of the national park. Our National Park System was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 82 years has kept most of the park in a natural condition. And all the lands that over covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wilderness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry has become an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one-tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year.

This bill will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live.

ROCKY MOUNTAIN NATIONAL PARK
WILDERNESS ACT OF 1996—FACT SHEET

WILDERNESS BOUNDARIES

The bill will designate the Rocky Mountain National Park Wilderness, which will include 91 percent of the park. The wilderness area will include a total of 240,700 acres, in four separate sections:

The northernmost section of wilderness is 82,040 acres north of Fall River Road and east of the Grand River ditch. It includes large areas of alpine, sub-alpine-forest, wet-meadow, and montane-forest ecosystems. The dominant geographic features are the Mummy Range and Specimen Mountain. This portion of the wilderness extends to the park's north boundary, adjoining the existing Comanche Peak Wilderness on the Roosevelt National Forest.

A relatively small section of the wilderness lies between Fall River Road and Trail Ridge Road, and includes approximately 4,300 acres. This section includes forested mountainside of lodgepole pine, Englemann spruce and subalpine fir, and the park's trademark expanse of alpine tundra and sub-alpine forest.

Another fairly small section west of the Grand River Ditch, which comprises approximately 9,260 acres, is generally above timberline, featuring steep slopes and peaks of the Never Summer Mountains, including 12 peaks reaching over 12,000 feet in elevation. This area adjoins the existing Neota Wilderness on the Roosevelt National Forest and Never Summer Wilderness on the Routt National Forest.

The largest portion of the wilderness—approximately 144,740 acres—is south of Trail Ridge Road and generally bounded on the east, south, and west by the park boundary. This area contains examples of every ecosystem present in the park. The park's dramatic stretch of the Continental Divide, featuring Longs Peak (which has an elevation of 14,251 feet) and other peaks over 13,000 feet, dominate this area. Former reservoir sites at Blue Bird, Sand Beach, and Pear Lakes, previously breached and reclaimed, are included in the wilderness. The new wilderness incorporates a portion of the Indian Peaks Wilderness that was transferred to the park in 1980, when the boundary between the park and the Arapaho-Roosevelt National Forest was adjusted to follow natural features.

AREAS EXCLUDED FROM WILDERNESS DESIGNATION

The following areas are not included in the wilderness designation:

Roads used for motorized travel, water storage and conveyance structures, buildings, and other developed areas are not included in wilderness.

Parcels of privately owned land or land subject to life estate agreements in the park are also not included.

Water diversion structures (see below).

WATER RIGHTS

The legislation explicitly creates a federal reserved water right for a quantity of water sufficient to fulfill the purposes of the wilderness designation. The priority date is the date of enactment of the bill. This general provision is identical to the provision included in the 1988 legislation designating part of Olympic National Park, in the state of Washington, as wilderness.

The legislation, however, includes special provisions reflecting the unique circumstances of Rocky Mountain National Park, where a reservation on wilderness water rights is probably just a theoretical matter. A Colorado water court with jurisdiction over the portion of the park east of the Continental Divide has ruled that the federal government already has rights to all previously unappropriated water in the park, through the federal reserved water right arising from the creation of the national park. Recognizing this, a special provision of the bill provides that for this area those existing reserved water rights shall be deemed sufficient to serve as the wilderness reserved rights; this will prevent unnecessary water rights adjudication.

West of the Continental Divide, where a different water court has jurisdiction, a determination has not yet been made of the extent of the national park's existing reserved rights in that portion of the park. If that water court determines (as the water court in the east already has) that the federal government already has reserved water rights to all previously unappropriated water in the western portion of the park, then those water rights, too, would be deemed sufficient to satisfy the reservation of new wilderness water rights for that portion of the park.

However, as a legal and practical matter, the Colorado-Big Thompson Project of the Bureau of Reclamation has senior water rights outside and downstream from the park that are so extensive that the project has a perpetual call on all water flowing into the Colorado River and its tributaries from all portions of the national park west of the Contential Divide. As a result, it is not possible under Colorado law for anybody to acquire new consumptive water rights within the western half of the park, so there could not be any new water development that could be affected by the new wilderness water rights.

Further, of course, the new wilderness water rights would be only for in-stream flows (not for diversion and/or consumption), and therefore would amount only to a guarantee or continued natural water flows through and out of the park. Once water leaves the park, it would continue to be available for appropriation for other purposes of the same extent as it is now.

EXISTING WATER FACILITIES

Boundaries for the wilderness designated in this bill are drawn to exclude existing water storage and water conveyance structures, assuring continued use of Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel of the Colorado-Big Thompson Project (CBT); CBT gaging stations; and Long Draw Reservoir. The bill includes an explicit provision guaranteeing that it will not restrict or affect the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated as wilderness by the bill). The bill also deletes a provision of the original national park designation legislation that gives the Bureau of Reclamation unrestricted authority to develop water projects within the park.

PROTECTING AMERICAN WORKERS ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, the Protecting American Workers Act of 1997 will reform the current temporary employment immigration H–1B program and eliminate abuses by employers which hurt American workers. A recent audit by the Department of Labor's inspector general found that the programs which allow entry to thousands of temporary and permanent foreign workers fail to adequately protect the jobs, wages, and working condition of U.S. workers.

For far too long, employment based immigration has been used to displace American workers, instead of filling temporary employment shortages. My legislation will permit the Department of Labor to administer an employment based immigration program that serves the temporary needs of employers while at the same time protecting the American worker.

The bill will amend the H–1B skilled temporary visa program as follows:

No-Layoff provision to the H–1B program (Section 2(a)(2))—Under this section of the bill an employer will have to attest that an American worker was not laid off or otherwise displaced and replaced with H–1B nonimmigrant foreign workers within 6-months prior to filing or 90 days following the application and within 90 days before or after the filing of a petition based on that application.

Requirement to Recruit in the U.S. Labor Market (Section 2(a)(3)—Each petitioning employer will have to attest that it had attempted to recruit a U.S. worker, offering at least 100 percent of the actual wage or 100 percent of the prevailing wage, whichever is greater, paid by the employer for such workers, as well as the same benefits and additional compensation provided to similarly-employed workers by the employer.

Special rules for Dependent employers (Section 2(b))—A petitioning employer who is dependent on H–1B workers (4 or more H–1B employees in a workforce of less than 41 workers or at least 10 percent of employees if at least 41 workers):

a. would have to take ''timely, significant, and effective steps'' to recruit and retain sufficient U.S. workers to remove as quickly as reasonably possible the dependence on H–1B foreign workers.

b. would be required to pay an annual fee (based on the H–1B's annual compensation) in order to employ an H–1B worker—5% in the first year; 7.5% in the second, and 10% in the third. Fees will be paid into private industry—specific funds that would use the money solely to finance training or education programs for U.S. workers to reduce the industry's dependency on foreign workers.

Increased penalties (Section 2(c)—Penalties are increased for false H–1B employer attestations.

Job contractors obligations (Section 2(a)(5))—Petitioning employers who are job contractors (as defined by the Department of Labor), would be required to make the same attestations as would the direct employers.

Peirod of admission reduced (Section 2(d)(2))—The maximum stay under an H–1B visa is reduced to 3 years, instead of the existing 6 years.

Residence abroad requirement (Section 2(e))—H–1B workers required to have a residence abroad that they have no intention of abandoning.

For many years the hardworking American worker has been forced to compete with underpriced foreign workers. The current H–1B program allows this unfair competition to occur even on our own soil. I urge the expeditious adoption of this measure during the 105th Congress.

REPEAL THE NATIONAL VOTER REGISTRATION ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, I am again introducing legislation to repeal the National Voter Registration Act of 1993, the so-called ''motor voter'' bill.

The law went into effect on January 1, 1995. It requires States to establish voter registration procedures to allow individuals to register to vote through the mail and when they are conducting other government-related business, such as applying for a driver's license or at certain public assistance agencies.

Supporters of motor voter have argued that easing voter registration requirements would invigorate voter turnouts. However, as last year's elections clearly displayed, the law did not meet its goal. Although massive numbers of new voters were placed on the rolls under motor voter, they did not take the initiative to cast their ballots. In fact, a mere 49 percent of eligible Americans voted, the lowest voter turnout since 1924. More than 90 million registered voters failed to vote.

While voter apathy under motor voter is unsettling, there is another, more compelling, reason to rethink the soundness of the law. It has allowed for voter fraud on a national scale. The law does not contain a provision to preclude illegal registration and voting. Moreover, motor voter creates obstacles for State election officials who are dedicated to maintaining the accuracy of their voter rolls. It requires States to keep registrants who fail to vote or who are unresponsive to voter registration correspondence to be maintained on voter registration rolls for years. As a result, children, cats, dogs, a pig, deceased people, and noncitizens registered to vote. In North Carolina, thanks to motor voter, a 14-year-old boy registered and voted. Mr. Speaker, participation in the electoral process is one of our most precious rights of citizenship. We should not make a mockery of voting by unnecessarily exposing it to fraud.

The National Voter Registration Act is nothing more than a costly and dispensable Federal mandate on the States. The States carry the responsibility of administering all elections. They should, therefore, be allowed to exercise their discretion over registration procedures free of unwarranted Federal intervention.

Motor voter has been tested and it failed miserably. I strongly encourage my colleagues to join me in repealing the law.

TRIBUTE TO THE LATE BRIAN D. MYERS, SR.

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SOLOMON. Mr. Speaker, it's with the deepest sorrow that I note the loss of a volunteer fireman in the line of duty in our district on the first day of the year.

Brian D. Myers, Sr., was a hero in every sense of the word. They are all heroes, these men and women from all walks of life who give so generously of their time and who, as Brian Myers' loss reminds us, risk their lives to give their rural communities outstanding fire protection.

Brian Myers, Sr., was a member of the Schuyler Hose Co., which responded to a restaurant fire on New Year's Day. The details are still not known, but we do know that Myers was last seen inside the burning structure fighting the blaze. His son, Brian Jr., and another fireman were also injured.

Mr. Speaker, as a former volunteer fireman myself in my hometown of Queensbury for over 20 years, I know the sacrifices these volunteers make. Every year, they save countless lives and billions of dollars worth of property in New York State alone. Their dedication is matched by their increasing professionalism. We owe them an enormous debt of gratitude. Tragically, our debt to Brian Myers, Sr., cannot be repaid.

Typical of volunteer firemen, Myers was active in other community endeavors, especially at his church. He will be missed by his family, his fire company, and his community.

Mr. Speaker, I ask all members to join me in expressing heartfelt condolences to his

widow, Ronalee, and the rest of the family, and a posthumous salute to a fallen hero, Brian D. Myers, Sr., of Schuylerville, NY.

CONSUMER INTERNET PRIVACY PROTECTION ACT OF 1996

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, the age of the Internet puts more and more Americans online—evolving faster than we ever imagined. Each day new companies and industries grow out of the constant technological innovation that has come to symbolize this information superhighway. The Internet has reached into our schools, businesses, and homes. It has allowed average Americans sitting in the privacy of their living rooms to connect with and explore the world. The Internet provides us with entertainment, information, and communication. But with all the wonders of the Internet comes the potential for problems. Today, I am introducing the Consumer Internet Privacy Protection Act of 1997 in an effort to address just one such glaring problem.

To gain access to the Internet's endless web of sites, users must work through an Internet provider or server. While these servers provide a valuable service to their customers, they are also capable of collecting an enormous amount of personal information about these individual consumers. Besides the personal information an Internet server may collect when they enroll a subscriber, servers are also capable of identifying the sites their subscribers visit. Without doubt such information would be quite valuable to those interested in marketing, while providing servers with yet another source of revenue for providing such personal and private information about consumers. The result—subscribers are inundated with junk mail and/or e-mail, based on such sales of their profiles to third parties.

My legislation is intended to inform and protect the privacy of the Internet user by requiring servers to obtain the written consent of their subscribers before disclosing any of their personal information to third parties. In addition, my bill requires a server to provide its subscribers access to any personal information collected by the server on its users, along with the identity of any recipients of such personal information.

While this bill addresses many concerns, I do not view this legislation as a final draft, complete with every detail, but rather as a first step down a road we are bound to travel. Obviously, issues involving the Internet are new and complex and deserve careful and thoughtful consideration. The Internet touches an incredible and increasing number of people and industries, and it is clear that the perspective and input from these interests are vital to the success of this process.

As the Internet becomes a more integral part of our daily lives, it is important that we in Congress take a commonsense approach, like this proposed legislation, to ensure the citizens of our Nation are able to benefit and retain a voice in the use of this technology without involuntarily sacrificing their personal privacy. My legislation will not hamper the growth and innovation of the Internet in any way. It will merely provide an opportunity for the consumers of Internet services to protect their privacy if they so wish. After all, the preservation of our privacy is one of our Nation's most cherished freedoms, which unchecked technology must not be allowed to circumvent.

END THE ABUSE OF PUSH POLLS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. PITTS. Mr. Speaker, in recent years, many campaigns have used unsubstantiated allegations against an opponent in their polls. While these push polls may be sound politics to some, I believe that the use of negative, suggestive, and unfounded information in a poll fails to meet the democratic goal of persuading voters with truth and fairness.

That's why I introduced the Push Poll Disclaimer Act today. This bill will discourage the practice of slandering a candidate in a Federal election under the guise of a legitimate poll. The Push Poll Disclaimer Act will require that any person or organization conducting a poll by telephone give the source of any information provided in the poll, or a statement that there is no source if this is the case. Further, my bill will require that the identity of the person or group sponsoring the poll, as well as the identity of the caller, be disclosed.

Mr. Speaker, it is vital that we work together to reduce the negative impact push polls have on the Federal election process. I urge that the provisions in my bill be included in the larger campaign finance reform bill which is expected to be considered this Congress. I thank the Speaker, and look forward to working with him during the 105th Congress on this important issue.

BASEBALL FANS AND COMMUNITIES PROTECTION ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing the ''Baseball Fans and Communities Protection Act of 1997.'' It is time that Congress finally steps up to the plate and ends baseball's antitrust exemption which was at the root of the debilitating strike of 1994–95.

Professional baseball is the only industry in the United States that is exempt from the antitrust laws without being subject to alternative regulatory supervision. This circumstance resulted from an erroneous 1922 Supreme Court decision holding that baseball did not involve ''interstate commerce'' and was therefore beyond the reach of the antitrust laws. Congress has failed to overturn this decision despite subsequent court decisions holding that the other professional sports were fully subject to the antitrust laws.

There may have been a time when baseball's unique treatment was a source of pride and distinction for the many loyal fans who loved our national pastime. But with baseball suffering more work stoppages over the last 25 years than all of the other professional sports combined—including the 1994–95 strike which ended the possibility of a World Series for the first time in 90 years and deprived our cities of thousands of jobs and millions of dollars in tax revenues—we can no longer afford to treat professional baseball in a manner enjoyed by no other professional sport.

The bill I am introducing today is based on a legislation approved by the Senate Judiciary Committee last Congress and is similar to legislation adopted by the House Judiciary Committee during the 103d Congress partially repealing the antitrust exemption. Because concerns have previously been raised that by repealing the antitrust exemption we could somehow be disrupting the operation of the minor leagues, or professional baseball's ability to limit franchise relocation or jointly negotiate network broadcasting arrangements, the legislation carefully eliminates these matters from the scope of the new antitrust coverage.

After advocating repeal of the exemption for many years, I believe the time is finally ripe for enactment of this legislation. In the past some legislators had objected to legislating in this area because of their hesitancy to take any action which could impact the ongoing labor dispute. But because the owners and players have recently agreed to enter into a new collective bargaining agreement, this objection no longer exists.

In addition, the baseball owners have agreed to work with the players to seek a partial repeal of the antitrust exemption as part of their new labor accord. Their memorandum of understanding provides, ''[t]he clubs and the [Major League Baseball Players Association] will jointly request and cooperate in lobbying the Congress to pass a law clarifying that Major League baseball players are covered under the antitrust laws (i.e., that major league players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision which makes it clear that passage of the bill does not change the application of the antitrust laws in any other context or with respect to any other person or entity.''

I have asked that the bill be introduced as H.R. 21, in honor of the courageous center fielder, Curt Flood. Mr. Flood, one of the greatest players of his time, risked his career when he challenged baseball's reserve clause after he was traded from the St. Louis Cardinals to the Philadelphia Phillies. Although the Supreme Court rejected Flood's challenge in 1972, we all owe a debt of gratitude for his willingness to challenge the baseball oligarchy.

Professional baseball is now a more than $2 billion annual business and the time has long since passed when it could be contended that baseball did not constitute ''interstate commerce.'' There is bipartisan support in both the House and Senate for taking action on this issue, and I look forward to Congress finally repealing the longstanding anomaly of baseball's antitrust exemption.

THE STATE WATER SOVEREIGNTY PROTECTION ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CRAPO. Mr. Speaker, I rise to introduce the State Water Sovereignty Protection Act, a

bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes.

Since 1866, Congress has recognized and deferred to the States the authority to allocate and administer water within their borders. The Supreme Court has confirmed that this is an appropriate role for the States. Additionally, in 1952, the Congress passed the McCarran amendment which provides for the adjudication of State and Federal water claims in State water courts.

However, despite both judicial and legislative edicts, I am deeply concerned that the administration, Federal agencies, and some in the Congress are setting the stage for ignoring long established statutory provisions concerning State water rights and State water contracts. The Endangered Species Act, the Clean Water Act, the Federal Land Policy Management Act, and proposed wilderness legislation have all been vehicles used to erode State sovereignty over its water.

It is imperative that States maintain sovereignty over management and control of their water and river systems. All rights to water or reservations of rights for any purposes in States should be subject to the substantive and procedural laws of that State, not the Federal Government. To protect State water rights, I am introducing the State Water Sovereignty Protection Act.

RAY CALHOUN DAY CELEBRATED IN CONGRESS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SOLOMON. Mr. Speaker, every now and then, you come across an individual who exemplifies the spirit and ethics on which this country was found. Ray Calhoun from the town of Hoosick, NY, in my congressional district is just such a man in every aspect of his life. I have had the privilege of knowing Ray for better than a quarter of a century now in both public and private life and it is with great pride that I call him friend.

Mr. Speaker, there are so many things I admire about Ray I don't even know where to start so why not with the beginning. Ray was born on Christmas eve 1922 and raised on his father's dairy farm. They were a family farm and supplied local citizens and stores with fresh milk. As was typical at the time, Calhoun's farm became part of the fabric of the local community as the Calhoun's, Ray and his father and brother, became renowned for their service and pride in their work.

Ray remained on that farm for the first 50 years of his life. It was there, rising at the crack of dawn, plowing and tending to the fields, harvesting the crops, and looking after the herd that Ray Calhoun, the man, was shaped.

So it seems to me, Mr. Speaker, that we owe a lot to that farm. For it was there that Ray Calhoun developed his tremendous work ethic, his inner pride, and most importantly to those in Hoosick and the surrounding area, his willingness to do more than the norm.

Mr. Speaker, nothing better exemplifies Ray's pride and resolve than the event that caused him to reluctantly leave the family farm business he so loved. You see, a tragic farming accident cost Ray his leg. Yet, as he recuperated at his home, I paid him a visit along with the current town supervisor, John Murphy. It was there, in the face of so much adversity that Ray decided to serve the community he so loved and run for town supervisor of Hoosick. Little did we know then that his decision would bear a second career of 23 years in public service. Not only did Ray go on to two successful terms as town supervisor, but he served as the town clerk from 1977 until just this past December 31, 1996, when he retired from public service. But those of us who know him know that Ray will still be seen about town, whether it be at church, or at the many civic organizations he also belongs to and has served.

I've always been one to judge people based on what they return to their community. Ray Calhoun has given all he can and then some. But to me Mr. Speaker, he's even more than that. Ever since my mother and I were left by my natural father shortly after I was born, I have always looked to men I admire as a father figure. For me, Ray has always been just such a father image. Someone I more than admire, someone I have tried to model myself after in life.

Mr. Speaker, we all would do ourselves and our communities a great service to model ourselves after Ray Calhoun. At this time, I would ask that you and all Members of the House rise with me and the town of Hoosick, NY, in recognition of a great American on his day, Ray Calhoun Day, to be celebrated this January 12, 1997.

INTRODUCING CROWN JEWEL LEGISLATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. DUNN. Mr. Speaker, it gives me great pleasure today to introduce the Crown Jewel National Parks Act. This legislation will require the President to submit a specific budget request for our 54 national parks so that for the first time, our national parks would have their own specific and separate line-item to ensure that their funding is a top priority.

We are truly blessed in this Nation with a national park system that is second to none and serves this Nation as one of the top vacation choice of families, individuals and visitors world-wide.

In my State of Washington, we have the good fortune of having three national parks. Mount Rainier National Park, the North Cascades National Park, and the Olympic National Park. Like many of our older national parks, they are suffering from lack of funding creating maintenance and construction backlogs that continue to build up year after year. Also, the popularity of our parks has increased dramatically over the last decade and funding for roads and trails has not kept pace.

While we significantly increased funding for the National Park Service in the 104th Congress, we must not allow money from one park account to be haphazardly moved to another without any constraints. Our national parks are too important to be left to the discretion of bureaucrats.

Mr. Speaker, I look forward to working with my colleagues in the 105th Congress to enact this legislation.

CREATION OF A ''RETIREE VISA''

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, I am introducing legislation to create a retiree visa for various people who would like to spend some of their retirement years in the United States. Let me give you an example of how this will work by using August and Gerda Welz as an example.

August and Gerda Welz have spend more than $380,000 in the United States since taking up a residence in Palm Coast, FL, 3 years ago. Native Germans, the Welzs saw Florida as an ideal place to spend their retirement years, with its pleasant climate and sound economy. They own a home, pay taxes, and volunteer in the community.

What they did not realize, however, was how many problems they would encounter in meandering through the United States' immigration laws.

To encourage more business and tourist travel to the United States, the Immigration and Naturalization Service established the Visa Waiver Pilot Program [VWPP], which has benefited many citizens from eligible countries. Narrow in scope, however, it only pertains to those who come to the United States for 90 days or less. Couples such as the Welzs represent the growing number of foreign travelers who wish to stay for an extended period of time or even retire in the United States. Unfortunately, they must still jump through an unreasonable number of hoops.

Having to navigate through such a complex set of rules and regulations is an unnecessary disincentive to foreign tourists looking to retire in the United States. My legislation would help remedy this.

The proposed visa would be available to citizens from those countries participating in the VWPP, as well as Canada. This diverse group includes countries such as Japan, Spain, and Germany. Applicants would have to be at least 55 years of age, own a residence in the United States, maintain health coverage, and receive income at least twice the Federal poverty level. The applicant would also be required to maintain a residence in his or her country of citizenship.

Perhaps the most attractive feature is that the visa would be valid for up to 4 years, alleviating the burdensome expense of frequent travel. It would be renewable as long as the application was filed from the retiree's country of citizenship.

Mr. Speaker, it is important to clarify that the proposed visa would only be available to nonimmigrants, and would not provide work authorization or eligibility for any Federal means-tested programs. In its simplest terms, the visa would serve as a much needed mechanism in which foreign retirees would have the opportunity to comfortably reside in the United States.

It goes without saying that ensuring proper immigration procedures is critical to our Nation's well-being. Still, there is absolutely no

reason to discourage anyone from coming to Florida—or anywhere else in the United States—to retire.

Foreign travelers supply a healthy boost to our economy, and are an important part of many of our communities. By simplifying the process for this unique group of retirees, this proposal would provide new and exciting opportunities to couples such as the Welzs—a practice that would benefit all parties involved.

TRAFFIC STOPS STATISTICS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, African-Americans across the country are familiar with the offense of DWB, driving while black. There are virtually no African-American males—including Congressmen, actors, athletes, and office workers—who have not been stopped at one time or another for an alleged traffic violation, namely driving while black.

Law enforcement representatives may admit to isolated instances of racially targeted police stops, but they deny that such harassment is routine. the numbers belie this argument. Although African-Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. This figure is too outrageous to be a mere coincidence.

The Ninth Circuit Court of Appeals reached a similar conclusion after considering the 1993 case of a Santa Monica police officer who was found to have violated the rights of two black men he stopped and arrested at gunpoint. The court found that the case was an example of how police routinely violate the constitutional rights of minorities, particularly black men, by stopping them without just cause.

But lawsuits alone cannot solve this problem. Last November, the American Civil Liberties Union sought a fine for contempt of court against the Maryland State police, arguing that police are still conducting a disproportionate number of drug searches of cars driven by African-Americans almost 2 years after agreeing to stop as a result of a 1992 lawsuit.

Despite the agreement, State police statistics show that 73 percent of cars stopped and searched on Interstate I–95 between Baltimore and Delaware since January 1995 were conducted on the cars of African-Americans despite the fact that only 14 percent of those driving along that stretch were black. Moreover, police found nothing in 70 percent of those searches.

The evidence clearly shows that African-Americans are being routinely stopped by police simply because they are black. It is exactly this sort of unfair treatment that leads minorities to distrust the criminal justice system. If we expect everybody to abide by the rules, we must ensure that those rules are applied equally to everybody, regardless of race.

In many ways, this sort of harassment is even more serious than police brutality. Not to minimize the problem of brutality, but these stops, this sort of harassment is more insidious. Almost every African-American man will be subject to this sort of unfair treatment at least once, if not many times. And no one hears about this, no one does anything about it.

With brutality on the other hand, these days, incidents of brutality at least come to light. The culprits may not be punished for their acts, but it is getting harder for the police to brutalize minorities without any fear of reprisals.

The same cannot be said for harassing traffic stops. Police can stop the cars of minorities with total impunity. In fact, the Supreme Court recently expanded police powers by holding that police need not inform individuals stopped that they have a right not to consent to a search of their vehicles.

Thus it appears that the problem of police stops is only going to increase. For this reason, I am introducing the Traffic Stops Statistics Act. This bill will force police departments to keep track of the race and alleged traffic infractions of those they stop. It will also require them to note the rationale for any subsequent search and the contraband recovered in the course of that search. In this way, we will increase police awareness of the problem of targeting minorities for car searches and we can discover the extent of the problem and hopefully reduce the number of discriminatory traffic stops.

INTRODUCTION OF THE HIGHER EDUCATION ACCUMULATION PROGRAM ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. ESHOO. Mr. Speaker, I rise today to renew my drive to help parents save for their children's higher education by introducing the Higher Education Accumulation Program [HEAP] Act of 1997. This initiative, which I also introduced in the prior two Congresses, establishes special IRA-like savings accounts so that parents are motivated to save for their children's higher education.

There is no greater investment that families can make in their future than giving their children a chance to pursue higher education. Unfortunately, tuition increases have made college unaffordable for so many families. As a result, families are being forced to go deeper into debt or tap into their life savings in order to give their children a chance to prepare themselves for the 21st century.

Under my initiative, parents can deposit up to $5,000 per year tax deferred in a HEAP account for their child's college or other higher education. Only one child can be the beneficiary of each HEAP accounts. While multiple HEAP accounts could be established by a family, parents would be limited to a maximum tax deferment of $15,000 per year. Married parents filing separate returns would be limited to $2,500 in deferments per account, up to a maximum of $7,500.

With a HEAP account, one-tenth of any amount withdrawn for educational expenses—including tuition, fees, books, supplies, meals, and lodging—at eligible institutions would be included in the gross income of the beneficiary for tax purposes each year over a 10-year period. If a person withdrew money from a HEAP account for purposes other than paying for higher education, that money would be subject to a 10-percent penalty on top of the income tax rate that would apply at the time of withdrawal.

According to the Government Accounting Office [GAO], tuition at 4-year public colleges and universities—where two-thirds of U.S. college students attend classes—has increased 234 percent over the past 15 years. In contrast, median household income rose only 82 percent and the cost of consumer goods rose just 74 percent in the same period. GAO also has found that increases in grant aid have not kept up with tuition increases at 4-year public colleges. As a result, families are relying more on loans and personal finances to pay for school. For example, in fiscal year 1980, the average student loan was $518; in fiscal year 1995, it rose to $2,417, an increase of 367 percent.

The U.S. Department of Education reports that for the 1994–95 academic year, annual undergraduate charges for tuition, room, and board were estimated to be $5,962 at public colleges and $16,222 at private colleges. Between 1980 and 1994, college tuition, room, and board at public institutions increased from 10 to 14 percent of median family income—for families with children 6 to 17 years old. At private institutions, these costs increased from 23 to 41 percent of median family income between 1979 and 1993.

Mr. Speaker, making higher education more affordable for more families must be a top priority for the 105th Congress. I urge my colleagues to join me in this effort to provide a much-needed helping hand to American families.

REPEAL THE ESTATE TAX

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. PITTS. Mr. Speaker, today I introduced a bill to repeal the estate tax which has burdened so many farmers and small business owners in the 16th District of Pennsylvania. With the repeal of this tax, more families in Lancaster and Chester Counties can hold onto their hard-earned family legacies.

Mr. Speaker, the estate tax is one of America's most illogical taxes. After a person's death the IRS collects between 37 and 55 percent of all assets transferred which are valued at more than $600,000. The ''death tax'' discourages savings, penalizes the sound practices of capital formation and investment, and puts many family owned farms and businesses in jeopardy after the loss of a loved one.

In addition, Mr. Speaker, the estate tax is expensive to collect. The IRS spends approximately 65 percent of the revenue it collects from this tax on enforcement of the estate tax code. Further, the estate tax accounts for less than 1 percent of annual Federal revenue. Finally, it is expected that the repeal of this tax could create an increase in revenue for the Federal Government in the future, as families will be able to invest their savings and generate more taxable income.

Mr. Speaker, the reason many people work so hard is to make life better for their children. New businesses, especially minority-owned firms, face enough obstacles without having the rewards of hard work snatched away at the end of the first generation. I think it's time that we give control of life savings back to the

people who have earned them. Let's make sure that farms that have stayed in the family for generations aren't sold off due to a bad tax policy. Let's end the outrageous practice of punishing thrift and financial security. Let's end the bias against savings and capital formation. Let's encourage saving, investment, and sound, life-long financial management which can provide for a family past a single generation. Let's repeal the estate tax and empower our Nation's families.

STATEMENT ON THE INTRODUCTION OF THE SOFTWARE EXPORT EQUITY ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. DUNN. Mr. Speaker, on this, the first day of the 105th Congress, I introduce the Software Export Equity Act and urge my colleagues to support its swift enactment. The Software Export Equity Act enjoys tremendous bipartisan support as demonstrated by the members that join me as original cosponsors, Messrs. MATSUI, HERGER, JEFFERSON, CRANE, NEAL of Massachusetts, MCCRERY, MCDERMOTT, ENGLISH of Pennsylvania, and WELLER.

Today, the U.S. software industry is a vital and growing part of the U.S. economy, exporting more than $26 billion worth of software annually. U.S. software companies perform a majority of this development work here in the United States. This measure will do more to ensure the competitivess of the U.S. software industry worldwide than any other single legislative change we can enact.

Congress enacted the FSC rules to assist U.S. exporters in competing with products made in other countries which have more favorable tax rules for exports. The FSC statute was carefully crafted to ensure that only the value-added job creating activity qualified for FSC benefits. When the statute was enacted in 1971, the U.S. software industry did not exist. However, due to a narrow IRS interpretation of the FSC rules, the U.S. software industry is the only U.S. industry that does not generally receive this export incentive. Nearly every other U.S. manufactured product—from airplanes to toothpaste—qualify for FSC benefits. Although the Treasury Department recognized the inconsistency in providing FSC benefits to licenses of films, tapes and records, all industries that were in existence when the law was created, but not to licenses of software, they stated their belief that this problem needed to be addressed in legislation rather than by regulation. Treasury has further stated their strong support for legislation to extend FSC benefits for licenses of computer software.

To illustrate the inequitable IRS interpretation of FSC rules with regard to software exports, suppose we have two CD ROM's—one containing a musical recording, the other containing a multimedia software product that also provides music. If the master of the musical recording is exported with a right to reproduce it overseas, the export qualifies for FSC benefits. If the master of the computer software is exported with a right to reproduce it overseas, the export does not qualify for FSC benefits, a result that makes no sense from either a policy or practical perspective. The ability to export software, accompanied by a right to reproduce that software in the local market, is essential to the way the software industry does business. Denying the benefits of the FSC rules to software exported through established industry distribution networks poses an impediment to the competitiveness of U.S. manufactured software.

The United States is currently the world leader in software development, employing hundreds of thousands of individuals in high-wage, high-skilled U.S. jobs. Much of the expansion of the industry is due to the growth of exports. The software industry, like other U.S. exports, needs FSC benefits to remain competitive and keep U.S. jobs here at home. FSC benefits are extremely important in encouraging small and medium-sized software companies to enter the export market by helping them equalize the cost of exporting. In addition, FSC benefits are needed to help keep high-paying software development jobs in the United States at a time when foreign governments are actively soliciting software companies to move those jobs to their countries. I do not propose any special or unique treatment, nor seek any new or special tax benefit. All that I propose in this measure is fair treatment under existing law.

If the goal of this Congress is to pass legislation promoting economic opportunity and growth in America, then common sense dictates that we enact the Software Export Equity Act.

THE FAIR TRADE OPPORTUNITIES ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1996

Mr. BEREUTER. Mr. Speaker, America's precious trade leverage is being eroded by outdated trade laws which undermine our Government's credibility and provide little incentive for countries to open their markets. These laws desperately need to be revised. Today, I have introduced legislation, the Fair Trade Opportunities Act, which abolishes the MFN trade status process while giving the President of the United States broad but flexible authority to raise tariffs on those countries which are not members of the World Trade Organization or which still prohibit emigration.

American companies and workers deserve the right to compete for markets and consumers throughout the world. They deserve our best effort to pry open foreign markets so they can freely sell their products and services. Bluffing and posturing during Congress' annual MFN process does nothing to help them. Giving countries which are not members of the World Trade Organization a ''free-ride'' to our own markets without reciprocal benefits is not fair to American workers.

The Fair Trade Opportunities Act responds to post-cold war realities by restoring U.S. trade sanction credibility and providing the President with the tools to open foreign markets. It should be considered in the 105th Congress if the U.S. Government hopes to reclaim America's precious trade leverage and give our export companies and workers equitable access to foreign markets.

THE FAIR TRADE OPPORTUNITIES ACT

Introduced by Representative Doug Bereuter (R–NE) on January 7, 1996.—This legislation was introduced in the last few days of the 104th Congress as the Fair Trade Opportunities Act (H.R. 4289). It was slightly modified, and then reintroduced on the first day of the 105th Congress.

Eliminates outdated U.S. trade law distinction between ''market'' and ''nonmarket'' economies and replaces it with a more appropriate distinction in the post-Cold War Era between member and nonmember countries of the World Trade Organization (WTO).—Under current U.S. trade law, market economy countries receive normal tariff status automatically and nomarket economy countries must go through an annual Jackson-Vanik certification process. The Fair Trade Opportunities Act replaces this Cold War Era distinction with two categories of tariffs—normal tariff status for WTO members and potential ''snap-back'' tariffs for non-WTO countries.

Abolishes annual Most-Favored Nation (MFN) process for 17 countries which require annual waiver or certification of compliance with Jackson-Vanik requirements.—The President will no longer have to certify that these 17 countries meet Jackson-Vanik requirements before they are entitled to MFN or normal tariff status. Also, Congress' self-imposed, annual review of the President's certification is eliminated. [Congress retains Constitutional right (Article 1, Section 8) to raise tariffs on any country at any time.]

Abolishes Smoot-Hawley (Column #2) tariffs for all countries except those countries which have not concluded commercial agreements with the United States (i.e. Vietnam).—Realistically, these Smoot-Hawley tariffs are only imposed on pariah, bad-actor states, or countries which do not have commercial agreements with the United States. For political, economic, and domestic commercial reasons, threats to impose Smoot-Hawley tariffs on other countries are hollow and not taken seriously by foreign governments. Despite the rancorous debates in Congress over the extension of MFN to some countries, Congress is also quite unlikely to impose Smoot-Hawley tariffs because of the harm it would inflict on U.S. companies and workers.

Replaces Smoot-Hawley tariffs with broad and flexible Presidential authority to raise tariffs (snap-back) on countries which are not members of WTO.—On a one-time basis and within six-months of the enactment of the legislation, the President is required to determine if non-WTO countries are ''not according adequate trade benefits'' to the United States. If the President makes such a finding, then the President shall impose snap-back tariffs on that country six-months after the determination. In imposing snap-back tariffs, the President has wide discretion to determine both the amount of the tariff and on which categories of products the snap-back tariffs will be imposed. However, under no circumstances can the President exceed the legislation's snap-back tariff ceiling which is the pre-Uruguay round MFN tariff rates, i.e., the Column #1 tariff rates in effect on December 31, 1994.

Enhances United States Trade Representative's negotiating leverage with countries which are not WTO members and provides a strong incentive for those countries to liberalize their trade laws and practices and to improve their WTO accession offers.—Between enactment of the legislation and the President's one-time, six-month determination and twelve-month imposition of snap-back tariffs, this legislation gives those non-WTO countries time to modify their trade regimes so as to give American exporters a fair

chance to compete for consumers in their markets. After the President's determination and imposition of tariffs, the Fair Trade Opportunities Act gives the President the authority to withdraw the snap-back tariffs if that country either joins the WTO or the President certifies that the country is according the United States adequate trade benefits. In addition, the President can modify, but not eliminate, the snap-back tariffs for any reason.

Provides President with discretionary authority to impose snap-back tariffs on countries which unduly restrict emigration.—The legislation's emigration standard which triggers the presidential snap-back authority is identical to the current freedom of emigration language in the Jackson-Vanik law.

Does nothing to change current U.S. sanctions laws with regard to rogue or pariah states such as Cuba, Iran, Iraq, Libya, and North Korea.—Many countries, such as the pariah or bad-actor states, retain normal tariff status with the United States but are prohibited from some or all trading with the United States because of U.S. sanctions laws.

THE FAIR TRADE OPPORTUNITIES ACT

COMMON QUESTIONS REGARDING THE LEGISLATION'S IMPACT ON THE PEOPLE'S REPUBLIC OF CHINA

What is Congressman Bereuter's motivation for the bill?—During the Summer of 1996 in the height of the China Most-Favored Nation (MFN) debate, Congressman Doug Bereuter (R-NE) promised an attempt to ''end [that] futile debate.'' He also vowed to introduce legislation which comprehensively solved the problems created by the MFN process, which with respect to China, he said, only served to damage Sino-American relations. Not long after his statement, Bereuter met with Administration officials and realized that many countries, as well as China, have little or no incentive to become members of the World Trade Organization because they already enjoy full WTO tariff benefits under U.S. MFN law.

Recognizing that other countries, such as the European Union, do not automatically extend MFN benefits to nonmembers of the WTO, Bereuter's legislation attempts to combine both a carrot (the equivalent of permanent MFN, i.e. normal tariff status) and a stick (minor snap-back tariff increases) approach to induce countries into joining the WTO and eventually gaining normal tariff status permanently under U.S. law. This approach steers a delicate middle ground between those who wish to assert America's commercial and foreign policy interests more aggressively and those who believe American interests are best served by engaging countries, such as China and Russia, mutliaterally.

Recognizing that the legislation is not China-specific, how would the Fair Trade Opportunities Act affect China's current trade status and its WTO accession negotiations?—If the Bereuter bill were signed into law, the President of the United States would no longer have to annually certify that China was complying with the Jackson-Vanik law. Likewise, the United States Congress would not have an automatic, expedited procedural mechanism for rejecting any Presidential decision. [Although Congress may, at any time, vote any amount of tariff increases on China because of its Constitutional authority in Article I, Section 8.] In short, the current China MFN process would be abolished.

On a one-time basis and within six-months of the enactment of the legislation, the President would be required to determine if China is ''not according adequate trade benefits'' (defined in existing law) to the United States. If the President makes such a finding, then the President shall impose snap-back tariffs on China six-months after that determination. In imposing snap-back tariffs, the President has wide discretion to determine both the amount of the tariff and on which categories of products the snap-back tariffs will be imposed. However, under no circumstances can the President exceed the legislation's snap-back tariff ceiling which is the pre-Uruguay round MFN tariff rates, i.e., the Column #1 tariff rates in effect on December 31, 1994.

A study by the Congressional Research Service estimates that if the President were to utilize his full snap-back authority on the top 25 Chinese exports to the United States (based on 1995 figures), an additional $325 million in tariff revenue would be generated for the U.S. treasury. (This estimate is not adjusted to reflect any downward demand for the product due to the increased tariff.)

The President would be required to terminate the imposed snap-back tariffs on China on the date China becomes a WTO member or on the date the President determines that China is according adequate trade benefits to the United States, whichever is earlier. The President would also be able to modify the snap-back tariffs for any reason as long as the appropriate congressional committees are notified.

A PLAN TO BOOST SAVINGS AND INVESTMENT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MCCOLLUM. Mr. Speaker, I am introducing a bill today which will help all Americans save for their retirement years. It is no secret that our current savings rate is among the lowest in the industrialized world. A low savings rate not only adversely impacts a person's retirement, it does not create much capital available for savings and investment. Without this capital, our economy cannot expand at its optimal rate. It is my hope that this legislation, if enacted, would help correct this problem.

My legislation would do several things. First, it would increase the amount of money one may contribute to an Individual Retirement Account [IRA], from $2,000 to $4,500, and still receive full deductibility. This amount is also indexed to inflation to protect its value from that silent thief of inflation.

This would also remove a disincentive to establishing an IRA, that being the fear that the money will not be available without paying a substantial penalty when you need it. A person with an IRA would be able to make withdrawals, without penalty, for a first home purchase, education expenses, long-term care, financially devastating health care expenses, and during times of unemployment. Furthermore, no taxes would be paid on these withdrawals if they are repaid to the IRA within 5 years.

Current law offers no incentive for many people to establish IRA's. My bill would allow people who do not have access to a defined contribution plan—e.g., a 401(k) plan—to establish a tax-preferred IRA, regardless of their income. The legislation would also encourage the middle class to establish IRA's by raising the income phase-out levels from $25,000—$40,000 for joint filers—to $75,000—$120,000 for joint filers. This will provide not only incentives, but needed tax relief for the middle class. Again, these levels are indexed to inflation.

Turning to 401(k) reforms, currently folks are hit with tax liability when taking their 401(k) benefits as a lump sum when leaving a job even if it is rolled into an IRA. This is not fair. Therefore, under this proposal, people would not be exposed to tax liability if the lump sum distribution is rolled into an IRA within 60 days.

Just as contribution limits have been increased for IRA's in this legislation, they are increased for 401(k) plans as well. The tax-deductible contribution limits would be $20,000—in 1992 dollars—indexed to inflation.

This would also encourage more firms to establish defined contribution plans by injecting some common sense into the law. It would allow firms to meet antidiscrimination requirements as long as they provide equal treatment for all employees and ensure that employees are aware of the company's 401(k) plan. This is truly nondiscriminatory as everyone would be treated the same.

Finally, this proposal would correct some of the serious problems involved with IRA's and 401(k)'s when the beneficiary passes away. As someone who believes the estate tax is inherently unfair, indeed I advocate its abolishment, I feel that IRA and 401(k) assets should be excluded from gross estate calculations. This bill would do that. Furthermore, an IRA that is bequeathed to someone should be treated as the IRA of the person who inherited it. Current law forces the disbursement of the IRA when the deceased would have turned 70½ years old. This would change that pointless provision, allowing the inheritor to hold the money in savings until he or she turns 70½.

Similarly, anyone receiving 401(k) lump sum payments as a result of a death would not have the amount counted as gross income as long as it is rolled into an IRA. That amount would not be counted against the nondeductible IRA limit of $4,500.

Mr. Speaker, I am excited about this legislation. I expect to introduce this legislation again at the beginning of the next Congress and look forward to hearing debate on it. It is absolutely essential that we continue to encourage personal savings and this is certainly a step in the right direction.

PREVENTING GENETIC DISCRIMINATION IN HEALTH INSURANCE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, I rise today to announce the introduction of comprehensive legislation to prevent genetic discrimination in health insurance, an issue vital to the health of all Americans.

Scientists are making astounding advances almost daily in decoding the secrets of our genes, especially through the contributions of the Human Genome Project. Genes have already been identified for cystic fibrosis, prostate cancer, multiple sclerosis, Huntington's disease, and many other conditions. As chair of the Women's Health Task Force of the

Congressional Caucus on Women's Issues, I closely followed reports last year that increased funding for breast cancer research had resulted in the discovery of the BRCA1 gene linked to breast cancer. This knowledge has tremendous potential for improving the ways we identify, treat, and hopefully cure disorders. At the same time, there is also the very real possibility that this information could be used to discriminate against individuals.

No American should have to worry that their genes—which they did not choose, and over which they have no control—will be used against them. My legislation would prohibit health insurers from using genetic information to deny, refuse to renew, cancel, or change the terms and conditions of coverage. It would prevent insurance companies from requesting or requiring genetic tests, and would require written informed consent before an insurer may disclose genetic information to a third party.

These protections are absolutely critical, because genetic discrimination is already occurring. Numerous individual cases have been reported in the press. In addition, polls and studies demonstrate clearly how much the American people fear genetic discrimination by health insurers. This anxiety is so strong that many people are foregoing genetic testing—even when they have a clear family history of genetic illness and a positive test could lead them to take advantage of effective preventive medicine.

This is a human tragedy Congress can and must prevent. In the 104th congress, I introduced similar legislation which garnered 76 cosponsors and was endorsed by a wide range of health and consumer groups, including: Alzheimer's Association, American Academy of Pediatrics, American Cancer Society, American Heart Association, American Medical Women's Association, American Nursing Association, American Public Health Association, Center for Patient Advocacy, Council for Responsible Genetics, Foundation on Economic Trends, and March of Dimes.

Leadership Conference of National Jewish Women's Organizations, which includes: American Jewish Congress, Amit Women, B'nai B'rith, Emunah Women of America, Hadassah, Jewish Labor Committee, Jewish War Veterans, Jewish Women International, Na'amat USA, National Council of Jewish Women, Inc., National Jewish Community Relations Advisory Council, Union of American Hebrew Congregations, Women's American ORT, United Synagogue of Conservative Judaism; and National Association of Black Women Attorneys, National Breast Cancer Coalition, National Osteoporosis Foundation, National Ovarian Cancer Coalition, National Women's Health Network, National Women's Law Center, Women's Bar Association, and Women's Legal Defense Fund.

I am hopeful that the 105th Congress will build upon the foundation established by the Kassebaum-Kennedy health reform bill. With this new legislation, it is my goal to ensure that no American woman will have to worry that if she takes a genetic test for the BRCA1 or BRCA2 breast cancer gene, she will lose her insurance coverage; or, that if she develops breast cancer, she will be denied coverage for treatment because her genetic predisposition will be considered a ''pre-existing condition.'' Congress has the power to protect all Americans from genetic discrimination in health insurance. We should do so quickly and decisively by passing the Genetic Information Nondiscrimination in Health Insurance Act.

SALUTING DIXIE WILKS-OWENS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MATSUI. Mr. Speaker, I rise today to salute Dixie Wilks-Owens, who is retiring from the California Employment Development Department after 27 years of dedicated service. Throughout her career, Mrs. Wilks-Owens has earned a reputation among her peers as an outstanding communicator and public servant genuinely enthusiastic about her job and the opportunities it provides to affect positive change.

Most recently, Mrs. Wilks-Owens served as chairperson of the 1996 Work Force Preparation Conference, a highly successful public forum on workforce preparation issues which was held in conjunction with the Federation of Conferences.

While at the office of work force policy, Mrs. Wilks-Owens was staff to the State job training coordinating councils' planning committee. She prepared agendas and policy issue papers, analyzed Federal and State legislation and made presentations to the SJTCC, task forces, and other committees on work force preparation issues.

Prior to this position, Mrs. Wilks-Owens was the manager and assistant deputy director of the EDD Marketing Services Office. In this role, she is noted for having developed the first biennial strategic marketing plan and for writing and producing the EDD employee handbook. In addition, she was an integral force in the planning, developing, and management of a full-functioning reemployment center for displaced legislative staffers left unemployed by Proposition 140. Additionally, she oversaw the planning and coordination of a broad retraining and reemployment program serving 5,000 former General Motors workers in Fremont, CA.

Mrs. Wilks-Owens also served as a Federal legislative specialist in the EDD legislative liaison office. There, she tracked and analyzed Federal legislation, spearheaded the successful 1989 job service campaign and made legislative presentations.

As an active member of the International Association of Personnel in Employment Security [IAPES], she has served as California Legislative chair, California vice president, California president, International Legislative chair and District XV representative and California Legislative chair.

In addition to her professional pursuits, Mrs. Wilks-Owens has demonstrated a unique commitment to her community and is noted as a tireless volunteer and master organizer.

Mr. Speaker, it is with great pleasure that I rise today to recognize Dixie Wilks-Owens for her outstanding commitment to her profession. I ask my colleagues to join me in wishing her continued success in all of her future endeavors.

JOB SKILLS DEVELOPMENT ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce the Job Skill Development Act of 1997. This is a narrowly tailored bill which amends the Fair Labor Standards Act [FLSA] of 1938 to ease some of the restrictions on volunteering.

The FLSA requires covered employers to compensate individuals defined as an ''employee'' with minimum wage and overtime. While there are numerous exceptions for volunteers, these exceptions primarily focus on humanitarian and charitable activities. Unfortunately, individuals seeking to gain valuable work experience and exposure in a competitive profession are often prohibited from doing so because of restrictions on volunteering.

The FLSA revolves around a complex scheme of regulations and exceptions. When the Department of Labor and the Federal courts determine who is and is not exempt, they take into account the type of services provided by the individual, who benefits from the rendering of the services, and how long it takes to provide the services. Some of the most common exceptions are for trainees or student learners better known as interns. These exceptions were developed because of their educational benefit as well as the potential to learn valuable skills for future employment.

However, just as the FLSA protects some, it can be an obstacle for others. Capitol Hill provides an excellent example. Each year hundreds of college and high school students travel to Washington, DC, for interships. Many of these positions are unpaid or offer a stipend, well below the minimum wage and overtime requirements. These individuals gain a better understanding of the legislative process, develop office skills, and make contacts that are invaluable in securing employment. Meanwhile, the employer is able to evaluate the intern in a work environment. For both it is a win-win situation.

Two particular individuals on my staff volunteered in my office for several months before they were hired on as full-time paid employees. However, because these two staffers were recent college graduates and produced work that benefited my office, they would have been prohibited from volunteering their services if at the time I would have been forced to comply with the FLSA.

Though Congress has since passed the Congressional Accountability Act and now must adhere to the FLSA, the point is not moot. Congress and hundreds, if not thousands, of individuals over the years have benefited from such programs. In fact, many have become employed for the first time because of the opportunity and experience they gain through interning. I hope we could learn from these instances and not turn our backs on those who wish to gain valuable work experience.

Moreover, as we enter the 21st century and the global marketplace becomes even more competitive, we must strive to help those who wish to enter the work force. Programs like Careers and School to Work offer some the

opportunity to gain the necessary skills to compete, but there is still room for improvement. Congress cannot standby and allow individuals to forego valuable training experience because we have failed to act.

The Job Skill Development Act will offer outstanding opportunities for future work forces. Its passage will help college graduates and individuals who have been out of the work force develop the professional skills and experience they need to become employed. It is a great job training program that does not cost the taxpayers a dime.

As I mentioned before, this legislation is narrowly tailored and while it eases the restrictions on volunteer activity, it does not jeopardize the important safeguards against employer coercion and worker displacement. Moreover, the intent is not to undermine any of the requirements of minimum wage and overtime, but focuses on providing individuals with the opportunity to gain the necessary skills to become gainfully employed.

Mr. Speaker, it is time to give future work forces the same opportunity Congress and many hill staffers have benefited from for many years. I look forward to working with my colleagues on passage of the Job Skill Development Act of 1997.

HOUSING LOAN GUARANTEE PROGRAM EXTENSION ACTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BEREUTER, Mr. Speaker, today this Member is introducing two bills designed to extend important alternatives to traditional Federal housing direct lending.

The first bill, the Rural Multifamily Rental Housing Loan Guarantee Extension Act of 1997, permanently authorizes the U.S. Department of Agriculture [USDA] administered section 538 program which, as the name implies, guarantees repayment of loans to build multifamily rental housing in rural communities. The section 538 program was patterned after the highly successful section 515 loan guarantee program, which is also administered by the USDA. While the section 538 program was only fully authorized in the last Congress through the Housing Opportunity Program Extension Act of 1996, it has been already been well received in rural America and certainly merits permanent authorization in the 105th Congress.

The second bill this Member is introducing today permanently authorizes the section 184 loan guarantee program for Indian housing, which is administered by the U.S. Department of Housing and Urban Development [HUD]. This guarantee program, which I authored and was enacted into law in 1992, is designed to bridge the obstacles that have prevented private lenders from participating in housing finance on Indian trust land. Because of the unique trust status of these reservations, private lenders have been reluctant to make loans due to the fact that they have no legal recourse should the borrower default. Under the section 184 guarantee program, the Federal Government eliminates this obstacle by guaranteeing that the lender will be repaid should the borrower default. This program has already proven to be widely popular in Indian country and provides incentive for private lenders to participate in housing one of our Nation's most underserved populations.

Members should remember and be reassured by the fact that the disposition of loan guarantee programs provides oversight in that Congress must appropriate loan subsidies for all loans to be guaranteed under these programs. Thus, the end result of such a permanent authorization will be smoother operating programs without interruptions resulting from expired authorizations and congressional oversight maintained through the annual appropriations process.

Thank you Mr. Speaker. This Member invites his colleagues to join him as a cosponsor of both of these important housing measures.

INTRODUCTION OF THE OIL SPILL PREVENTION AND RESPONSE IMPROVEMENT ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MENENDEZ. Mr. Speaker, on May 10, 1996, a tanker moored in Delaware Bay spilled 10,000 gallons of light grade crude oil. Strong winds pushed the slick toward the beaches of Cape May, NJ, posing a threat to wildlife and migrating waterfowl. The tanker had been anchored 17 miles off the Cape May shore in an area known as the Big Stone Anchorage. It was involved in a process known as lightering. A tanker lighters by pumping some of its cargo into a smaller barge. This is usually done because there is insufficient depth of water to allow the tanker to safely make passage to secure oil terminals. Transferring oil over open water between two or more vessels is a risky process which greatly increases the possibility of spills or more serious accidents.

While the Cape May incident was a relatively minor accident and the environmental impacts were quickly contained, I am greatly troubled about the prospect of an accident in the New York Harbor. Thirty billion gallons of oil of every type are shipped through the Port of New York and New Jersey each year. One billion gallons is lightered from deep water anchorages beyond the Verrazano Narrows. That is 100 times the amount of oil spilled by the *Exxon Valdez* off the Alaskan coast. These barges are often single hulled and sometimes have no crew or anchor. The situation in the New York Harbor is doubly dangerous because of an institutional failure to dredge. The lightering process is used to reduce the weight of oil tankers and thereby lessen draft to enable these great ships to negotiate the shoaled-in channels and berths of the upper bay and the connecting channels in the Kill Van Kull and Arthur Kill. It is only the exceptional skill and dedication of the pilots serving the Port of New York and New Jersey that have prevented a catastrophe, but there have been a number of near collisions.

To reduce this threat, I am introducing the Oil Spill Prevention and Response Improvement Act. This legislation requires the Coast Guard to develop requirements for lightering and towing operations. It provides incentives for converting to the use of double hull vessels. The bill will also reduce the economic hardship on the victims of oil spill, particularly in fishing communities. This bill is a good starting point at improving the Oil Pollution Act and improving the safety of barges that move a commodity that is essential for our economy safely and without harm to the environment.

IN HONOR OF HOWARD W. COLES

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the life and legacy of Mr. Howard Wilson Coles, a pioneering African-American journalist, who for 62 years resided in New York's 28th Congressional District. Mr. Coles' life came to a peaceful end on December 10, 1996, at 93 years of age.

Upon completion of his formal education, Mr. Coles returned from New York City to Rochester, NY, in 1934 to become the founder and publisher of the Frederick Douglass Voice, known at this time as Rochester's only Negro newspaper. This newspaper, for 62 years, has been dedicated to showcasing the issues, challenges, and accomplishments of Rochester's African-American population.

Howard Wilson Coles shall long be remembered, not only for his journalistic talents, but also for his tireless efforts and extraordinary skills in the area of civil rights. He was as well, an author, broadcast journalist, and formerly served as president of Rochester's NAACP.

I take great pride in having known Mr. Coles, and in knowing his family; several of whom have followed in his giant footsteps as journalists. A true freedom fighter is now at rest. He will be sorely missed by his family, his numerous friends, and a community that he enhanced.

PAYING TRIBUTE TO THE AICHI KENJIN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the Aichi Kenjin Kai, a social and cultural institution now celebrating its 100th anniversary in northern California.

The first large population of immigrants from Aichi-ken was established in the central valley during the late 1800's. By 1896, some 300 Aichi-kenjins had settled in the Sacramento region. For most of these immigrants, the standard of living was poor. Most of them carried their possessions in a suitcase. They made their living as seasonal workers, moving from place to place as jobs were offered.

At this time in history, there was no welfare plan offered either by the Federal or State governments to care for such individuals when they fell ill or died. As such, this community of immigrants determined that it was necessary to establish an organization which would care for their fellow countrymen should they fall ill and assist their families when they passed away.

In 1895, one of the first immigrants to northern California, Yoshio Yamada, recommended

the establishment of the Aichi Club in Sacramento. He suggested collecting $50 to $60 from about 50 members who would then pay 15 cents in monthly dues. These fees were to be used to maintain a mutual aid fund, but was not accepted at the time.

Two years later, this community of immigrants agreed to form the Aichi Club and opened a temporary office in Sakuraya Ryokan. The club's mission was to maintain a high reputation, respect morality and promote friendship. In the years following, the members used the club to share their joys, sorrows, and hopes for a prosperous future in their new country.

Dues then were 15 cents per month and these fees enabled the club to assist fellow members who incurred expenses with medical care or funerals. The member accepting the assistance then paid the funds back to the club when they were able.

For many years, the club operated this way and grew to hold great significance in the Japanese-American community. The Aichi Kenjin Kai today is somewhat different. Today, with greater mobility and affluence, the Japanese-Americans have moved to all parts of the State, blending culturally with California's population. Additionally, the singular interests the early immigrants shared have given way to more diverse business and civic interests.

Other changes have reshaped the organization as well. Health insurance and ''Americanized'' funerals have impacted the need for the clubs' assistance in these areas. While the club still offers invaluable assistance with funeral plans and arrangements, its shift is toward a younger generation and its needs.

To attract younger generations, the Aichi Kenjin Kai has begun to host an annual Aichi golf tournament. Structured as a team grouping event, the tournament successfully promotes camaraderie within the membership and is a draw to the younger Japanese-Americans who will be relied upon to take the organization into the next century.

Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable assistance this organization has provided to its membership. I ask my colleagues to join me in wishing many years of continued success to the Aichi Kenjin Kai.

INTRODUCTION OF THE AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 1997: JANUARY 7, 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce legislation today to extend the African Elephant Conservation Act of 1988, an historic conservation measure that continues to be successful in its ongoing efforts to save the flagship species of the African Continent.

By way of background, my colleagues may recall that by the late 1980's, the population of African elephants had declined by almost half. In 1979, the total elephant population in Africa was approximately 1.3 million animals. In 1987, fewer than 700,000 African elephants were alive.

While drought, disease, and human population growth contributed to this dramatic decline, the illegal killing or poaching of elephants for their ivory tusks was the single most important reason why thousands of these magnificent animals were slaughtered. During its peak, as much as 800 tons of ivory were exported from Africa each year, equivalent to the deaths of up to 80,000 elephants annually.

In response to this serious problem, Congress enacted the African Elephant Conservation Act—Public Law 100–478. A primary objective of this law was to assist impoverished African nations in their efforts to stop poaching and to develop more effective elephant conservation programs. To accomplish that goal, the legislation created the African Elephant Conservation Fund.

Since its creation, Congress has appropriated over $6 million to fund some 48 conservation projects in 17 range States throughout Africa. In addition, over $7 million has been generated through private matching money to augment the Federal support made available through the grant program.

With these funds, resources have been allocated for conservation projects to purchase antipoaching equipment for wildlife rangers, create a comprehensive reference library on the African elephant, undertake elephant population census, develop and implement elephant conservation plans, and move elephants from drought regions in Zimbabwe. In fact, the Zimbabwe project was the first time in history that such a large number of elephants were successfully translocated to new habitats.

Without these conservation projects, I am convinced that the African elephant would have continued to decline and would have disappeared from much of its historic range. Instead, what has happened is that the population has stabilized and, in fact, is increasing in southern Africa, the international price of ivory remains depressed, and wildlife rangers are now much better equipped to stop unscrupulous individuals who are intent on illegally killing elephants.

The African Elephant Conservation Fund has provided desperately needed capital for projects in various African countries and a diverse group of internationally recognized conservation groups, including the African Safari Club of Washington, DC, the African Wildlife Foundation, Safari Club International, and the World Wildlife Fund, has participated in these efforts. In fact, the African Elephant Conservation Fund has been the only continuous source of new money for African elephant conservation efforts for the past 8 years.

In June of last year, the House Resources Subcommittee on Fisheries, Wildlife and Oceans conducted an oversight hearing on the effectiveness of the African Elephant Conservation Fund. At that time, a representative of the U.S. Fish and Wildlife Service testified that the Fund ''provided a critical incentive for governments of the world, nongovernmental organizations, and the private sector to work together for a common conservation goal. This is not a hand out, but a helping hand.''

While the African Elephant Conservation Fund has facilitated the development of a number of successful conservation projects, the battle to ensure the long-term survival of the African elephant has not yet been won. In fact, it is essential that this critical investment be continued in the future. Therefore, the fundamental purpose of my legislation is to extend the authority of the Secretary of the Interior to expend money from the African Elephant Conservation Fund beyond its statutory expiration date of September 30, 1998. I am proposing that the authorization of appropriations for the fund be extended until September 30, 2002.

With this extension, I am confident that additional worthwhile conservation projects will be funded and that the African elephant will survive in its natural habitat for many future generations.

I urge my colleagues to join with me in this effort by supporting the African Elephant Conservation Reauthorization Act of 1997.

SINGLE ASSET BANKRUPTCY REFORM ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill that addresses an injustice that exists within title 11 of the United States Code regarding single asset bankruptcies. This is the same language I introduced during the 104th Congress as H.R. 2815. My understanding is that the Judiciary Committee will include this measure in their technical corrections bill; however, I am introducing this bill as stand alone legislation to highlight the importance of this specific provision. I also understand that the Bankruptcy Commission has placed a particular focus on single asset bankruptcy and they recently held hearings in Washington, DC, to discuss this important issue.

The injustice within title 11 stems from an 11th hour decision made during the 103d Congress, which placed an arbitrary $4 million ceiling on the single asset provisions of the bankruptcy reform bill. The effect has been to render investors helpless in foreclosures on single assets valued over $4 million.

My bill will rectify this problem, by eliminating the $4 million ceiling, thereby allowing creditors to recover their losses. Under the current law, chapter 11 of the Bankruptcy Code becomes a legal shield for the debtor. Upon the investor's filing to foreclose, the debtor preemptively files for chapter 11 protection which postpones foreclosure indefinitely.

While in chapter 11, the debtor continues to collect the rents on the commercial asset. However, the commercial property typically is left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount in back taxes, they receive a commercial property left in deterioration which has a lower rent value and resale value, and meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectible debtor.

My bill does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort. This usually comes after all other efforts to reconcile delinquent mortgage payments have failed. Second, the debtor has up to 90 days to reorganize under chapter 11. It should be noted, however, that single asset reorganizations are typically a false hope since the

owner of a single asset does not have other properties from which he can recapitalize his business.

Finally, Mr. Speaker, my bill helps all American families by making their investments more secure and more valuable. The hard-working American families who depend on their life insurance policies and who have paid for years into their pensions will save millions in reduced costs. My bill protects the little guy from being plagued with years of litigation while a few unscrupulous commercial property owners continue to collect the rent to line their own pockets.

MINING LAW OF 1872 REFORM

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1996

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation to reform the mining law of 1872. I am pleased to note that the distinguished gentleman from California, GEORGE MILLER, is joining me in introducing this measure.

Mr. Speaker, we are sponsoring this legislation with the full knowledge that it will probably not see the light of day in the Resources Committee as long as that committee is chaired by our dear friend and colleague, the honorable DON YOUNG of Alaska. Indeed, this bill is the very same which passed the House of Representatives by a three-to-one margin during the 103d Congress. Reintroduced into the 104th Congress, our colleague DON YOUNG put it under lock and key.

This begs the question: Why reintroduce the bill?

The answer lies in the fact that there remains within the broad membership of the House of Representatives enough votes to pass meaningful reform of the Mining Law of 1872. Last Congress, for example, we reimposed the moratorium on the issuance of mining claim patents by a vote of 271 to 153 during House consideration of the fiscal year 1996 Interior appropriation bill. In addition, the bill we are reintroducing today, which was designated H.R. 357 in the 104th Congress, attracted 92 bipartisan cosponsors during that period.

The issue of insuring a fair return to the public in exchange for the disposition of public resources, and the issue of properly managing our public domain lands, is neither Republican or Democrat. It is simply one that makes sense if we are to be good stewards of the public domain and meet our responsibilities to the American people. This means that the mining law of 1872 must be reformed.

I and other Members will continue to work toward that goal during the 105th Congress. If reform can be accomplished within the context of the bill I am introducing today, so much the better. If this bill's fate is to serve as a rally cry for reform, with substantive reform efforts moving forward independently, than that is satisfactory as well. In any event, the eyes of the Nation will continue to focus, to an even greater extent than ever before, on how this Congress addresses natural resource issues such as this one. Congress ignores these matters at its own peril.

Following is a brief explanation of the Mining Law of 1872 and how the legislation I am introducing proposes to reform it:

MINING LAW OF 1872 REFORM

The year was 1872. U.S. Grant resided in the White House. Union troops still occupied the South. The invention of the telephone and Custer's stand at the Little Bighorn were still four years away. And in 1872 Congress passed a law that allowed people to go onto public lands in the West, stake mining claims, and if any gold or silver were found, mine it for free.

In an effort to promote the settlement of the West, Congress said that these folks could also buy the land from the Federal government for $2.50 an acre.

That was 1872. This is 1977. Yet, today, the Mining Law of 1872 is still in force.

And, for the most part, it is not the lone prospector of old, pick in hand, accompanied by his trusty pack mule, who is staking those mining claims. It is large corporations, many of the foreign controlled, who are mining gold owned by the people of the United States for free, and snapping up valuable Federal land at fast food hamburger prices.

Remaining as the last vestige of frontier-era legislation, the Mining Law of 1872 played a role in the development of the West. But is also left a staggering legacy of poisoned streams, abandoned waste dumps and maimed landscapes.

Obviously, at the public's expense, the western mining interests have had a good thing going all of these years. But the question has to be asked: Is it right to continue to allow this speculation with Federal lands, not to require that the lands be reclaimed, and to permit the public's mineral wealth to be mined for free?

Today, anybody can still go onto Federal lands in States like Nevada and Montana and stake any number of mining claims, each averaging about 20 acres. In order to maintain the mining claim, until recently all that was required was that the claim holder spend $100 dollars per year to the benefit of the claim.

In the event hardrock minerals such as gold or silver are found on the claim, they are mined for free. There are no requirements that a production royalty be paid to the Federal government, or for that matter, a rental be paid for the use of the land.

It is estimated that $1.8 billion worth of hardrock minerals are annually mined from Federal lands in the western States. Yet, the Federal government does not collect one penny in royalty from any of this mineral production that is conducted on public lands owned by all Americans.

Under the Mining Law of 1872, claim holders can also choose to purchase the Federal land being claimed. They can do this by first showing that the lands have valuable minerals, and then by paying the Federal government a mere $2.50 or $5.00 an acre depending on the type of claim. This is called obtaining a mining claim patent. Perhaps a good feature in 1872, when the Nation was trying to settle the West. But today there is hardly a need to promote the additional settlement of LA, San Francisco or Denver. Note: The Interior Department is currently subject to a Congressionally imposed moratorium on the issuance of mining claim patents which must be renewed on an annual basis.

Moreover, once the mining claim is patented, nothing in this so-called mining law says that it has to be actually mined. The land is now in private ownership. People are free to build condos or ski-slopes on the land.

For example, not too long ago the Arizona Republic carried a story about a gentleman who paid the Federal government $155 for 61 acres worth of mining claims. Today, these mining claims are the site of a Hilton Hotel. This gentleman now estimates that his share of the resort is worth about $6 million.

Claim holders can also mine these Federal lands with minimal reclamation requirements. The only Federal requirement is that when operating on these lands they do not cause 'unnecessary or undue degradation.' What does this term mean? It means that they can do whatever they want as long as it's pretty much what all of the other miners are doing.

The issue of Mining Law reform does not deal with coal, or that matter, oil and gas. These energy minerals, if located on Federal lands, are leased by the government, and a royalty is charged. Further, Mining Law reform does not deal with private lands. The scope of the Mining Law of 1872 and legislation to reform it is limited to hardrock minerals such as gold, silver, lead and zinc on Federal lands in the Western States.

The Rahall bill to reform the Mining Law of 1872 would prohibit the continued giveaway of public lands. It would require that mining claims are diligently developed. It would require that a holding fee be paid for the use of the land, and that a royalty be paid on the production of valuable minerals extracted from these Federal lands. And, it would require industry to comply with some basic reclamation standards .

INTRODUCTION OF PROTECTION FROM SEXUAL PREDATORS ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, today I reintroduce the Protection from Sexual Predators Act. Like many of you, I am tired of picking up the morning paper and reading about the latest serial rapist to be caught, only to see printed a laundry list of his previous convictions for sexual assault. Our constituents deserve to be protected from the country's worst repeat sexual predators.

The Protection from Sexual Predators Act passed the House last year by a vote of 411 to 4, and allows Federal prosecution of rapes and serious sexual assaults committed by repeat offenders. The measure requires that repeat offenders convicted under this section be automatically sentenced to life in prison without parole. In other words, two strikes, and you're in—for life.

It's time we got tougher on the most violent, repeat sexual offenders. These habitual sex offenders are a different kind of criminal—their recidivism rates are incredibly high, and they are known to strike again and again. Often these serial criminals will venture from one State to another, and if they are caught, they seldom receive the harshest penalties under the current law.

When my bill is passed into law, violent sexual predators such as John Suggs of New York City will not be free to rape again, and the Supreme Court will not need to deliberate whether to release lifelong child molesters back into society as in the case *Kansas* v. *Kendricks,* currently pending before the Supreme Court. This measure will make our streets and neighborhoods safer, for children, the elderly, and the women of this country.

My bill will require courts to hand down tougher sentences, ridding our communities and neighborhoods of the most brutal offenders who prey upon the most vulnerable in our society.

HEARING CARE FOR FEDERAL EMPLOYEES ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation which will cover audiology services for Federal employees.

This legislation requires Federal health benefit insurance carriers to guarantee direct access to, and reimbursement for, audiologist-provided hearing care services when hearing care is covered under a Federal health benefit plan.

As my colleagues may be aware, the Federal Government already allows direct access to services provided by optometrists, clinical psychologists, and nurse midwives, yet fails to allow direct access to services provided by audiologists in Federal health benefit plans covering hearing care services.

It is not my intention to expand the services which can be provided by audiologists, but instead to only allow audiologists to provide what they are already licensed to do under State laws—and no more.

Currently the consumers of audiology services are people with hearing loss and related conditions. In fact, there are an estimated 28 million people in the United States—about 1 in every 10—who are affected by hearing loss. This number is expected to increase to over 40 million people during the next 10 to 20 years, as our national population continues to age.

Moreover, it is worth noting that many private health insurers model their benefits packages after the Federal employee health benefit plan. Accordingly, this bill will also provide important indirect benefits to millions of Americans with hearing loss, who are not Federal employees.

I urge my colleagues to cosponsor the Hearing Care for Federal Employees Act and support freedom of choice to the patient while providing swift and timely access to hearing care.

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today I introduced legislation to correct an inequity in on our current tax system. Under current law, an individual over the age of 55 is allowed a one-time exclusion of capital gain on the sale of a principal residence. This one-time exclusion invokes a marriage penalty. This legislation would eliminate the marriage penalty for the one-time exclusion of gain on the sale of a principal residence.

For example, two individuals over the age of 55 who decide to marry and sell their homes would only receive an exclusion for $125,000. Whereas, if they did not marry and sold their homes they each would be able to receive an exclusion for $125,000. This legislation addresses this problem. The legislation eliminates the marriage penalty by disregarding elections made before the date of marriage or elections made on homes sold after the date of marriage, but purchased before the marriage.

Fairness is an important element of tax policy. The current policy on the one-time exclusion assists individuals who are approaching retirement and it is a valuable exclusion. Our Tax Code should be fair and not discriminate against basic values such as marriage. The decision to marry should not be based on financial reasons.

I urge you to correct this inequity and support this legislation.

INTRODUCTION OF THE SIKES ACT IMPROVEMENT AMENDMENTS OF 1997: JANUARY 7, 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce this legislation to reauthorize and improve the effectiveness of the act of September 15, 1960, commonly referred to as the Sikes Act.

Since coming to Congress in 1973, I have led the fight to enhance and conserve the vital fish and wildlife resources that exist on our military lands. The Department of Defense [DOD] manages nearly 25 million acres at approximately 900 military bases nationwide. These lands contain a wealth of plant and animal life, they provide vital habitat for thousands of migratory waterfowl and they are home for nearly 100 Federally listed species.

The Department does a superb job of training our young men and women for combat. Regrettably, they often fail to do even an adequate job of comprehensive natural resource management planning. At far too many installations, management plans have never been written, are outdated, or are largely ignored. Furthermore, when these plans do exist, all too often they are not coordinated or integrated with other military activities.

While this bill will make a number of improvements in the Sikes Act, it does not undermine in any way the fundamental training mission of a military base.

What the bill does is expand the scope of existing conservation plans to encompass all natural resource management activities, require management plans for all appropriate installations, mandate an annual report summarizing the status of these plans, require that trained personnel be available, and ensure that DOD shall manage each installation to provide for the conservation of fish and wildlife, and to allow the multipurpose uses of those resources. In addition, the bill extends the act's authorization for the next 3 years at half of its previous funding level.

Mr. Speaker, this is a noncontroversial bill. In fact, during the last Congress, it was thoroughly considered by both the House Resources and National Security Committees. It was approved by the House of Representatives unanimously by voice vote on July 11, 1995.

Regrettably, the other body took no action on this measure. While I am today introducing a bill that is identical to the one that was overwhelmingly adopted by the House, I am committed to reauthorizing this longstanding conservation measure. With that in mind, I intend to meet with representatives of the Departments of Defense and the Interior, the International Association of Fish and Wildlife Agencies, and members of the House National Security Committee. I am confident that together we can develop a strong and effective reauthorization bill.

Mr. Speaker, I want to thank the Chairman of the Subcommittee on Fisheries, Wildlife and Oceans, JIM SAXTON, for joining with me in this effort and I commend the Sikes Act Improvement Amendments of 1997 to the membership of the House of Representatives.

PUBLIC HOUSING TENANT INTEGRITY ACT OF 1977

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise to day to introduce the Public Housing Tenant Integrity Act of 1997. This bill amends section 6103 of the Internal Revenue Code and section 904 of the Stewart B. McKinney Homeless Assistance Amendment Act to allow the Housing and Urban Development Administration [HUD] to fight fraud and abuse that has developed when public housing tenants fail to fully disclose or update their income.

As we move into the 21st century, budgetary constraints will continue to limit nondefense discretionary spending. Public housing is not immune from these constraints. Though Congress and HUD have taken steps to prepare housing for the future, there is still room for improvement. One area I believe we can make substantial inroads is to eliminate fraud and abuse. By aggressively attacking existing fraud and abuse, we can squeeze every dollar appropriated for public housing and direct it effectively to those most in need. We can also assure the American taxpayer that tenants pay their fair share.

As most of you know, when an individual applies for public housing, the key qualification is income. An applicant who meets the income requirement is required to pay rent equal to 30 percent of their income. The taxpayer subsidizes the rest. Unfortunately, housing agencies do not have independent sources to verify the applicant's wage and income data, even if the housing agency suspects the individual underreported income. Moreover, the system encourages residents to underreport their income when they apply for housing.

Despite the lack of a nationwide study, HUD has estimated the abuse at $300 million annually. Further, the General Accounting Office [GAO] issued a 1992 report that found unreported income abuse could be as high as 21 percent. Others have projected a reasonable estimate between 5 and 10 percent which is consistent with other Federal benefit programs. Whatever the number, fighting this abuse and stopping individuals who defraud the Federal Government is a commonsense goal.

Congress, HUD, and others have long recognized the need to address this particular problem and in 1988 Congress passed the Steward B. McKinney Homeless Assistance Amendments Act. The McKinney Act provided State agencies with the authority to disclose

wage and unemployment data to HUD and housing authorities, but not to owners or managers. This program was somewhat successful, but it expired in October 1994.

Then in 1993, Congress passed the Omnibus Budget Reconciliation Act. It contained a provision which permits the Social Security Administration [SSA] and the Internal Revenue Service [IRS] to disclose earned and unearned income data to HUD. However, and this is very important, it did not provide for the redisclosure of income data to those local entities who directly service and oversee the tenants.

This particular program was first implemented in 1996 and matches information reported by the tenant with earned and unearned income reported to the SSA and IRS. If a discrepancy exists, HUD notifies the local housing authority that a particular tenant has underreported their income, but HUD is prohibited from disclosing how much the discrepancy is or where it exists. Thus, the local housing authority must launch their own investigation or have the tenant voluntarily disclose the information, despite the fact HUD has the information they need. HUD also informs the tenant, requesting he or she redisclose to the housing agencies their true income. Unfortunately, the individual must voluntarily do this and without giving local entities the information already complied the true effectiveness of this program will be diminished.

As you can see, steps have been taken to fight those who abuse the system, but the final step still remains. The Public Housing Tenant Integrity Act of 1997 builds on this foundation by making it possible for HUD to share the information it has to local housing agencies. Allowing local agencies to receive this information is a logical step, and it makes perfect sense. After all, local agencies are on the front line and work with public housing tenants every day.

One area of concern with computer matching is preventing the illegal disclosure of Federal tax data. However, safeguards currently exist between, and I believe we can develop further safeguards to protect the interests of all those involved including Congress and the IRS. Moreover, I believe Congress has an obligation to the taxpayer that public housing assistance is a benefit not a right.

Mr. Speaker, this legislation is designed to stop individuals who defraud the government of hundreds of millions of dollars annually. We have the technology to fight this fraud and abuse and passage of the Public Housing Tenant Integrity Act is needed to provide local housing authorities with the necessary tools to do just that. I look forward to working with my colleagues on both sides of the aisle to pass this commonsense legislation.

LEGISLATION TO ELIMINATE MISMANAGED HUD PROGRAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BAKER. Mr. Speaker, recent allegations involving fraud in the Single Family Homes for Homeless Initiative and the mismanagement of the program by the Department of Housing and Urban Development [HUD] in New Orleans—in particular, the division of Community Planning and Development—have fueled concern over abuse of taxpayer assets.

After significant investigation, I introduced H.R. 4085 in the 104th Congress, a bill to eliminate the program. Two other Subcommittee Chairmen of the House Banking Committee—SPENCER BACHUS of the Subcommittee on General Oversight and RICK LAZIO of the Subcommittee on Housing and Community Opportunity—cosponsored the legislation with me. The bill effectively shuts the program down and returns the homes to taxpayers.

We introduce the same bill today to continue our efforts in the 105th Congress to overhaul the program for those most in need of hosing and to eliminate fraud and mismanagement in the Federal Government.

Earlier this year, I contacted the Inspector General of HUD, an independent office designed to oversee the department, and requested a comprehensive investigation of Safety Net, Inc., and its participation in the homeless program. In addition, I requested a full investigation of the HUD Office in New Orleans, particularly Community Planning and Development.

The program is more accurately described as the Homes for Homeless Initiative of the Single-Family Property Disposition Program. Here is how the program works: If a person defaults on the mortgage payments of his/her home and the home has an insured mortgage by the Federal Housing Administration [FHA], then the Federal Government becomes the owner of the home. In other words, in case of default, HUD pays the mortgage to the bank, acquires the property, and is required to dispose of it.

For most of these acquired properties, HUD leases the properties to nonprofits to serve homeless persons. An acquired property is leased to a nonprofit for $1 a year for up to 5 years. The home is to be provided for those persons who are homeless. One major restriction is that the tenant must have an income that is 50 percent of the median income (in Baton Rouge $19,146 for a family of four).

The nonprofit can purchase the home at any time for 10 percent below the appraised fair market value, as established at the time the $1 lease is signed. It is possible to sell the home well below present market value 5 years after the initial appraisal. A nonprofit is restricted from reselling to anyone other than a low income homebuyer (defined at $31,450 for a family of four).

The Sunday Advocate alleges that Safety Net, Inc., violated many of the rules of the homeless disposition program. In addition, it may have broken some of the laws required to participate in the program. I have requested that the investigation answer these allegations.

It is also alleged that the HUD Office in New Orleans failed miserably to monitor the program and the participation by Safety Net, Inc., for 5 years. I have asked the Inspector General to investigate the HUD Office as well.

Moreover, the U.S. Attorney's Office in Baton Rouge has responded to the case by opening an investigation to determine whether a criminal prosecution is warranted. The U.S. Attorney's Office is working in concert with the Inspector General's Office.

As a senior member of the Subcommittee on Housing and Community Opportunity, I have long been an advocate of reform of the HUD acquired Single-Family Property Disposition Program. In 1992, I sponsored an amendment and passed into law a requirement that HUD must try first to sell the property in the private market to the highest bidder. I believe that our first priority is to recover as much taxpayer money for the acquired home. If we cannot sell the property to maximize taxpayer return, we should use our acquired properties in the most effective manner possible to house our most disadvantaged citizens without a home.

To continue rigorous oversight of this program, I requested that the Banking and Financial Services Committee conduct a hearing on this case and other abuses of this program to guarantee that we do not waste taxpayer monies and to insure we provide for our most needy citizens. Chairman BACHUS has travelled down to Baton Rouge and together, we conducted an oversight hearing in Louisiana on August 24.

I am committed to prosecuting fraud and reforming our Federal Government. Moreover, I believe we can provide a safe, decent home for our most underprivileged citizens while maintaining accountability for taxpayers.

GAS TAX RESTITUTION ACT OF 1996

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RAHALL. Mr. Speaker, today I along with Representative TOM PETRI are reintroducing legislation we sponsored during the last Congress to transfer to the highway trust fund revenues received from the 4.3 cents of the Federal motor fuel tax that is currently going to the general fund.

Many of us concerned with our surface transportation infrastructure were troubled when in 1993 this tax of 4.3 cents per gallon of motor fuel was imposed not for the purpose of bolstering receipts into the highway trust fund, but for the purposes of deficit reduction.

As we all know, the basic premise of the Federal motor fuel tax is that it is a user fee collected for the express purpose of making improvements to our road and highway infrastructure. It is one of the few taxes where Americans can see an immediate and direct result for having to pay it as they drive on the Nation's highways.

Last year we debated repealing the 4.3 cents-per-gallon tax. At the time, I offered an alternative. Restore it to the highway trust fund. Today, I do so again.

Few, if anyone in this body, can say that the areas they represent do not require road and highway improvements. The legislation I am introducing today will not only restore faith with the American people on the uses of the Federal motor fuel taxes, but will certainly assist in making needed surface transportation enhancements.

I would note that as introduced, this legislation would dedicate the entire 4.3 cents-per-gallon tax to the highway trust fund, and would not earmark any portion of this amount for mass transit, or for that matter, for any proposed new area of eligibility such as for Amtrak. This is not to say that I am necessarily opposed to the use of some portion of the 4.3 cents-per-gallon tax for these purposes and

policy decisions of that nature can certainly be made during further consideration of this legislation.

IN HONOR OF TRIDENT PRECISION MANUFACTURING, INC.

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay special tribute to a distinguished company located in New York's 28th Congressional District: Trident Precision Manufacturing Inc.

President Clinton and Commerce Secretary Mickey Kantor honored Trident on December 6, 1996, by awarding it the 1996 Malcolm Baldrige National Quality Award for Small Business. The Baldrige Award, which highlights customer satisfaction, workforce empowerment, and increased productivity, is given annually to companies that symbolize America's commitment to excellence. No company could be more deserving of this award than Trident Precision Manufacturing.

Trident manufactures precision sheet metal components, electro-mechanical assemblies, and custom products. It has grown from a 3 person operation at its founding in 1979 to an employer of 167 people at its facility in Webster, NY today.

Between 1991 and 1995, Trident's employees submitted more than 5,000 process-improvement recommendations—and Trident's management implemented 97 percent of those ideas. It is a testament to Trident's workers and management that over that 5-year period, Trident made significant gains in productivity, efficiency, customer satisfaction, sales, and profitability. Sales per employee jumped 29 percent, time spent on rework decreased nearly 90 percent, and customer complaints fell by 80 percent. Defect rates have fallen so consistently that Trident now offers a full guarantee against defects in its custom products. In 1995, Trident's five major customers rated the quality of Trident's products at 99.8 percent or better. The company has never lost a customer to a competitor.

I am delighted that President Clinton and Commerce Secretary Kantor chose to recognize Trident for its strong record of quality and its excellent business performance. This award was a result of Trident's exceptional commitment, not only to the company's bottom line, but to its employees and customers. Trident's efforts to train and reward its workers are to be particularly commended. Since 1989, Trident has invested an average of 4.4 percent of its payroll on training and education. This is a remarkable investment for a small company, and two to three times above the average for all U.S. industry.

Trident represents the very best in American business: putting its customers first, trusting its employees, building quality into products and services, and being responsible corporate citizens. I am proud of Trident's success, its achievement, and of the contribution it makes to our community. Congratulations to everyone at Trident who shares in this honor.

INTRODUCTION OF THE NEW WILDLIFE REFUGE AUTHORIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing the New Wildlife Refuge Reauthorization Act of 1997.

By way of background, our National Wildlife Refuge System is comprised of 91.7 million acres of Federal lands that provide essential habitat for hundreds of species and offer recreational opportunities for millions of Americans.

The first wildlife refuge at Pelican Island, FL, was created in 1903 when President Theodore Roosevelt signed an Executive order setting aside three acres of land as a preserve and breeding grounds for native birds. Today, the system has 511 refuges, which are located in all 50 States and 5 territories. These units range in size from the smallest of less than 1 acre at Mille Lacs National Wildlife Refuge in Minnesota, to the largest of 19.3 million acres in the Arctic National Wildlife Refuge in Alaska. In the last decade, more than 80 new refuges have been added to the system.

The vast majority of our Nation's 511 refuge units were created administratively. In fact, less than 70 refuges have been designated by Congress. The authorizing committees, therefore, have had little, if any, input in the establishment of the other 460 refuges, which include the 192,493-acre Great White Heron National Wildlife Refuge in Florida, the 254,400-acre Hawaiian Island National Wildlife Refuge, and the 572,000-acre Sheldon National Wildlife Refuge in Nevada. These Executive orders have set aside a huge amount of privately owned lands.

Under current law, funding for refuge acquisitions comes from two primary sources: No. 1, annual appropriations from the Land and Water Conservation Fund [LWCF], and No. 2, the Migratory Bird Conservation Fund, which is financed from the purchase of a yearly duck stamp and refuge entrance fees.

In the past, more than $1 billion in taxpayer money has been appropriated from the Land and Water Conservation Fund to acquire lands that become additions to existing units or entirely new wildlife refuges. This represents a substantial expenditure of money by the U.S. Fish and Wildlife Service [USFWS] without adequate input by Congress.

By contrast, the Migratory Bird Commission, whose membership includes four bipartisan Members of Congress, regularly meets to evaluate and decide how Migratory Bird Conservation Fund will be spent. Under normal conditions, a Governor of a State, after consulting with local citizens, will recommend that a new refuge be created or that additional land be added to the system. It is a process that has worked effectively for a number of years.

Regrettably, the checks and balances that exist on the uses of the Migratory Bird Conservation Fund simply do not exist in the allocation of money from the LWCF. Therefore, lacking such a review mechanism, we have a responsibility to carefully examine the recommendations of the USFWS and, if we so choose, to legislatively create any new wildlife refuge using LWCF money in the future. This is an essential change.

Under the terms of the New Wildlife Refuge Reauthorization Act, no funds could be expended from the Land and Water Conservation Fund to create a new refuge without prior congressional authorization. This bill does not affect any land additions to the existing 511 wildlife refuges or those created with money from the Migratory Bird Conservation Fund.

Mr. Speaker, Congress must have a more meaningful role in the acquisition of hundreds of acres of new Federal lands. We should authorize new wildlife refuges just as we authorize new flood control projects, highways, national parks, scenic rivers, and weapons systems. After all, we are talking about the expenditure of millions of taxpayers dollars. Furthermore, at a time when the U.S. Fish and Wildlife Service has a $440 million backlog of unfinished wildlife refuge maintenance projects, a comprehensive review of the service's priorities is appropriate.

I urge the adoption of the New Wildlife Refuge Authorization Act and want to thank our distinguished colleague from California, RICHARD POMBO, for his leadership in this important effort. By enacting this legislation, we will ensure that private property owners and their tax dollars are more adequately protected in the future.

SUPPORT THE POSTAL CORE BUSINESS ACT

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to join my colleague from San Diego, Mr. HUNTER, in introducing the Postal Core Business Act of 1996. This legislation, which is similar to H.R. 3690 from the 104th Congress, will prevent the U.S. Postal Service [USPS] from unfairly competing with a small business industry, known as Commercial Mail Receiving Agencies [CMRA]. The livelihoods of those who own and operate small commercial packing stores throughout the country, like Mail Boxes Etc. and Postal Annex, are threatened.

More than 10,000 CMRA businesses may be forced to close their doors due to the USPS' tax-free expansion into services already provided by private packaging stores. These expanded services include wrapping, packaging, and shipping of items, and the USPS may expand beyond that. The USPS is opening stores throughout the country, many in locations very near private companies who already provide these services.

The fact is that the USPS is not a fair competitor with private enterprise. The USPS is not forced to charge State or local tax on retail items, it is insured by the Federal Government, and it often does not pay the same Federal, State, and local taxes that private companies must pay. These are only some of the advantages enjoyed by the USPS, creating a playing field tilted against private industry. Moreover, when a customer brings an item to be packaged by the USPS, the USPS requires that the customer send the package through U.S. mail. Commercial mail companies do not require this of their customers.

In addition, on December 16, 1996, the Postal Rate Commission [PRC] declared that the USPS' packaging service, Pack and Send, is subject to the PRC's ratemaking. In its decision, the PRC found that ''the Pack & Send service is 'postal' in character, and that establishment of the service and recommendations concerning its fees are functions that the Postal Reorganization Act contemplates to be within the jurisdiction of the Postal Rate Commission.'' The USPS must now either discontinue the service or submit the service for a rate with the PRC.

Under our bill, the USPS will return to focusing on the core services that it was offering as of January 1, 1994. This is a reasonable approach to protecting jobs and satisfying American consumers seeking postal services. I encourage my colleagues to join me in cosponsoring Mr. HUNTER's legislation.

COMPREHENSIVE PREVENTIVE HEALTH AND PROMOTION ACT OF 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, we are all aware of rising health care costs and reports of abuses by private health insurance companies. The United States spends far more per capita on health care than any other major nation; according to 1993 estimates, national health expenditures totaled $884 billion, or 13.4 percent of the gross domestic product [GDP]. Projections on health care expenditures indicate that consumer spending for health services will exceed 18 percent of GDP in the year 2000.

As health care costs continue to climb, insurance carriers have increasingly used experience ratings and underwriting practices to reduce their expenses. This has caused insurance companies to compete for business based on risk selection rather than on efficiency or service to the customer. Essentially, insurers find themselves competing for the healthiest, lowest-cost groups—a situation that leaves individuals, small businesses, families, and high-risk groups searching for affordable, accessible health insurance.

Making matters worse are reports which continue to surface describing practices by HMO's which restrict patients access to quality health care. Examples include health plan restrictions governing their relationships with providers, limiting consumer access, and failing to cover or offer adequate preventive health care.

Accordingly, I rise today to introduce legislation which will help produce a healthier Nation. This measure will cover individuals for periodic health exams, as well as counseling and immunizations.

The Comprehensive Preventive Health and Promotion Act of 1997 will direct the Secretary of Health and Human Services [HHS] to establish a schedule of preventive health care services and to provide for coverage of these services under private health insurance plans and health benefit programs of the Federal Government.

More specifically, the Secretary of HHS, in consultation with representatives of the major health care groups, will establish a schedule of recommended preventive health care services. The list of preventive services will follow the guidelines published in ''The Guide to Clinical Preventive Services'' and ''The Year 2000 Health Objectives.'' The preventive services will cover periodic health exams, health screening, counseling, immunizations, and health promotion. These services will be specified for both males and females, and for specific age groups.

Additionally, HHS will publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history for businesses, providers of health care services, and other appropriate groups and individuals.

Moreover, prevention and health promotion workshops will be established for corporations and businesses, as well as for the Federal Government. A wellness program will be established to make grants over a 5-year period to 300 eligible employers to establish and conduct on-site workshops on health care promotion for employees. The wellness workshops can include: counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

Finally, my legislation directs HHS to set up a demonstration project which will go to 50 counties over a 5-year period to provide preventive health care services at health clinics. This program will cover preventive health care services for all children, adults under a certain income level. If above the determined income level, fees will be based on a sliding scale. Additionally, the project will entail both urban and rural areas in different regions of our Nation to educate the public on the benefits of practicing preventive health care, the need for periodic health exams, and the need for establishing a medical history, as well as providing services.

Mr. Speaker, we can all agree that our current health care system needs to be improved, and our Nation needs to become healthier. Experts have concluded that practicing preventive health care does work, and will produce a healthier Nation. Although there is a consensus on the benefits of practicing preventive health care, only approximately 20 percent of health insurance companies offer coverage for periodic health exams.

Accordingly, to all my colleagues who share my concern regarding the importance of producing a healthier Nation, I invite and urge you to cosponsor this measure, sending a clear message to our Nation's citizens that Congress is taking significant steps to improve our Nation's health care system.

REFORM OF THE FEDERAL BLACK LUNG PROGRAM

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation that I have sponsored for several Congresses now to form the Federal Black Lung Program.

This legislation reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

As it now stands, disabled miniers who suffer from the crippling effects of black lung disease are faced with the Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

In fact, today we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard-working citizens who have dedicated their lives to the energy security and economic well being of this Nation.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory commitment Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their Government. And they are people who now see their Government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows, and families who are being victimized by this program, the very program that was intended to bring them relief.

In general, this measure contains the following proposals:

I. New Eligibility Standards: A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

II. Application of New Eligibility Standards: The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

III. Elimination of Responsible Operators: All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

IV. Widows/Dependents: A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or in part from

black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits, and a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

V. Offsets: The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

THE REINTRODUCTION OF THE FAIRNESS IN POLITICAL ADVERTISING ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, in this past election season, spending levels for Federal elections shattered all previous records, for an estimated total of $1.6 billion. Given the vast sums of money required to run for office, wealthy individuals have a significant advantage over ordinary citizen candidates. That is hardly representative government. The cost of running for political office in America has simply become too high, and I am determined that we find a better way.

On election night, I vowed to redouble my efforts to clean up our out-of-control campaign finance system. Today I am reintroducing the Fairness in Political Advertising Act, which would both reduce the cost of elections and level the playing field by requiring broadcast stations to make free political advertising time available to candidates, as a condition of those stations renewing their licenses. And because so many voters have expressed dismay over negative advertising, my bill would also require that the programming consist of unedited segments in which the candidate speaks directly into the camera. In this way, candidates would be directly accountable for any statements made.

My first responsibility in this Congress is to see that the people of New York's 28th Congressional District, as well as our Nation, experience fair and clean campaigns in the years to come. The Fairness in Political Advertising Act would go a long way toward reducing the influence of money on our elections. I urge Congress to enact it now.

A BEACON-OF-HOPE FOR ALL AMERICANS: LORRELLE HENRY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle of the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner-city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable services. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines ad BEACONS-OF-HOPE.

Lorrelle Henry is one of these BEACONS-OF-HOPE residing in the central Brooklyn community of New York City and New York State. Ms. Henry served as the director of libraries for the New York City school system until her retirement. She now serves as an adjunct professor at the Borough of Manhattan Community College.

Although retired from the school system, Ms. Henry continues to work as an advocate for children. Ms. Henry serves as president of the Central Brooklyn Martin Luther King Commission; vice president of the New York City Martin Luther King Commission; treasurer of the Brooklyn Women's Political Caucus; member of ALA Caldecott Committee, which selects outstanding children's books; member of the Coretta Scott King Award Jury, which selects outstanding children's books by black authors; member of the board of directors of the Great Day Chorale; member of the Lincoln Place Block Association; and member of the Award of the Americas Committee, which selects outstanding children's books portraying Latin American and Caribbean life. Moreover, she is a recipient of numerous awards including the School Library Service Award and the New York State Martin Luther King, Jr. President's Award.

Lorrelle Henry is the oldest of two children and grew up in Harlem during the exciting times of Langston Hughes, Adam Clayton Powell, and others. Lorrelle's parents always emphasized the necessity for donating time and energy to neighbors and community. In addition, her parents encouraged their children to be political activists.

Lorrelle Henry is a native New Yorker who attended the city's public schools. She later graduated from Brooklyn College and obtained a master's in library science from St. John's University.

Ms. Henry is the mother of three children, Michelle, Gairre, and Scott. And she is the proud grandmother of Kahlil, Shaniqua, Naren, and Jordan.

Lorrelle Henry is a BEACON-OF-HOPE for all of central Brooklyn and for all Americans.

COMPUTER MAINTENANCE COMPETITION ASSURANCE ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill to ensure that a computer owner may authorize the activation of their computer by a third party for the limited purpose of servicing computer hardware components. This is the same language that I worked with former Chairman Carlos Moorhead to include in H.R. 1861, section 7, ''Limitations on Exclusive Rights; Computer Programs,'' during the 104th Congress. Under suspension of the rules, H.R. 1861 was passed by voice vote.

The specific problem is when a computer is activated, the software is copied into the Random Access Memory [RAM]. This copy is protected under section 117 of the Copyright Act, as interpreted by the Fourth and Ninth Circuits Court of Appeals. This technical correction is extremely important to Independent Service Organizations [ISO's] who, without this legislation, are prohibited from turning on a customer's computer. A wave of litigation has plagued the computer repair market. The detrimental effect is that ISO's are prevented from reading the diagnostics software and subsequently cannot service the computer's hardware. The financial reality is that the multibillion dollar nationwide ISO industry is at risk.

My bill provides language that authorizes third parties to make such a copy of the limited use of servicing computer hardware components. My bill does nothing to threaten the integrity of the Copyright Act and maintains all other protections under the act.

The intent of the Copyright Act is to protect and encourage a free marketplace of ideas. However, in this instance, it hurts the free market by preventing ISO's from servicing computers. Furthermore, it limits the consumer's choice of who can service their computer and how competitive a fee can be charged.

BANKRUPTCY LAW TECHNICAL CORRECTIONS ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing the Bankruptcy Law Technical Corrections Act of 1997. This legislation provides a number of much-needed technical corrections and updates to our bankruptcy laws.

Many of the changes identified in the bill are designed to remedy drafting errors in the Bankruptcy Reform Act of 1994, while others relate to provisions in the Bankruptcy Code which pre-date the 1994 changes. The legislation is based in part on a series of changes brought to Congress' attention by the nonpartisan National Bankruptcy Conference last Congress, many of which were incorporated into S. 1559, the Bankruptcy Technical Corrections Act of 1996.

Among other things, the bill I am introducing today updates a number of definitions, clarifies that debtors' attorneys may be compensated out of the debtor's estate, clarifies the types of professional services which are eligible for administrative expense treatment, and provides that the 1994 amendments to section 525(c) apply only to bar discrimination concerning students loans and grants because of prior bankruptcies.

The bill also specifies that in 1994, when Congress overruled the *Deprizio* line of cases, we intended the new law to apply to transfers of liens in property. In addition, the bill modifies section 365 of the Bankruptcy Code to, among other things, make it clear that subsection (b)(2)(D), providing an exception to the obligations which must be cured in order for

the trustee to assume a lease, covers penalty rates as well as penalty provisions, thereby overruling *In re Claremeont Acquisition Corp.*, 186 B.R. 977, 990 (C.D. Cal. 1995).

The bill also clarifies and updates a number of matters relating to trustees. Among other things, the legislation clarifies the procedure for electing private trustees in chapter 11 cases, specifies that trustees may operate in a full range of professional capacities and retain brokers who work under a range of compensation arrangements, and eliminates the outdated trustee residency requirement in chapter 7 cases.

Finally, the bill eliminates the construction of the Bankruptcy Code which prevented non-individuals from bringing actions for violations of the automatic stay, and conforms the grace period for filing security interests under section 547 to 20 days—consistent with other provisions in the Bankruptcy Code.

With a record million plus bankruptcy filings in 1996, it is essential that we act to smooth the operation of our insolvency laws. These technical changes will benefit both debtors and creditors, and it's my hope that Congress can quickly take up and pass this bill during the 105th Congress.

IN HONOR OF MARTIN LUTHER KING, JR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, later this month Americans will commemorate the birthday of an outstanding patriot and great moral leader, the late Rev. Dr. Martin King, Jr.

Rev. King is so vital in the memory of those of us who are old enough to remember him that it is hard to imagine that, had he not been so tragically murdered, he would be celebrating his 68th birthday this month. Dr. King was such a vibrant personality and so reflective of his times one can only wonder what his role would be today had he not been taken from us at such a young age.

Today, the entire Nation is in debate regarding Proposition 209 in California, with both sides claiming that theirs is the path to true racial justice. A popular current motion picture depicts the 30 year struggle to bring the assassin of Medgar Evers at long last to justice. Our talk shows and pundits have devoted a great deal of time debating the policy of the Oakland, CA, school system in treating ebonics as a separate language. Americans everywhere have been appalled throughout the past year regarding the burning by arsonists of predominantly Afro-American churches throughout the Nation but especially in the South. A few weeks ago, Dr. King's assassin lay near death in a Tennessee hospital, with people all around the world hoping that, on his deathbed, he would finally reveal the truth of that tragic day in 1968, and if he indeed acted alone.

One can only speculate on what Dr. King's comments would have been in these and other controversies.

We do know, however, that Dr. King would have reminded us in each and every one of these instances of the message he devoted his life to deliver, and which cost him his life. Rev. King's message was that ''hate destroys the hater more than the hated.''

We have a long way to go before prejudice and intolerance are eradicated. It behooves us all on the birthday of this great American, to recall his vital and timeless message.

Martin Luther King's birthday is an appropriate time for all Americans to remember that we must continue to move forward, until the day when all of us are afforded full opportunity, and that none of us have to be concerned that race, color, creed, or ethnic heritage are a hindrance to any individual, or to our nation as a whole.

Dr. King kept urging his fellow Americans to free themselves from the shackles of hatred. Let us resolve, in these last few years of the 20th century, to recommit ourselves to the goals with which Martin Luther King inspired us all over a quarter century ago.

A PROPOSAL TO BRING OUR SCHOOLS INTO THE 21st CENTURY

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to discuss our education system and to propose legislation that I am developing to help accelerate our society's private investment in our young people.

The key to the continued success and survival of America and of individual Americans is the quality of our children's education. As we approach the 21st Century, our education system and our young people alike face tremendous challenges.

We agree that today's classrooms are supported by dedicated teachers, involved families, and bright young children. But many of our Nation's classrooms lack the important technological resources that they need to train both teachers and students in the ways of the future. Most jobs today, and a vast majority of jobs in the future, demand familiarity and skill with high technology. Technological literacy has long been a must for our scientists and engineers. But technological literacy is increasingly a prerequisite for factory production workers, law enforcement personnel, office staffs and thousands of other careers less frequently associated with technology and the present revolution in telecommunications.

How is our system of education meeting this tremendous change? Despite good intentions, it is not doing well enough. Less than one in eight of our classrooms has a phone jack. Fewer than 1 in 50 classrooms are connected to the Internet, one of the fastest-growing and most dynamic information tools of our time. Fortunately, Congress last year enacted comprehensive telecommunications reform legislation which will heavily discount the rates schools will pay for interactive connectivity.

But the challenge extends beyond needs for technological linkups and hardware. Too many of our teachers lack the hardware, software, or training to teach young people about technology, or to harness technological advancements to improve education as it has transformed commerce and communications.

Without early training in computer programming or digital technology, many of our future leaders will start off in life at a severe disadvantage.

Many private interests already make significant investments in education technology. In my San Diego County congressional district, major employers like Sony, Pacific Bell and Qualcomm invest significant time and resources into adopting local public schools. My annual High Tech Fair introduces thousands of high school students to our community's leading high-tech employers and the work they are doing for the future. An organization called the San Diego Science Alliance gathers together dozens of companies and university research organizations to expand student and teacher interest in technology, science, and research. The Detwiler Foundation, located in La Jolla, CA, has expanded nationally its innovative plan to accept donations of computers, refurbish them to the state-of-the-art, and install them in classrooms. And several major education software firms, including Jostens and the Lightspan Partnership, are working on bringing technology into classrooms from headquarters in San Diego County.

As a father, as a former teacher, coach and top gun instructor, and as the past chairman of the House Subcommittee on Early Childhood, Youth and Families, I am more convinced now than ever before that the need is so great that more must be done to bring the education of our young people into the 21st Century. Congress is now investing about $1 billion annually into education technology, but this is a drop in the bucket. Years of Government overspending, deficits and debt make a more massive direct Federal investment program unfeasible and unlikely. We should instead work to direct the innovation and energy of private enterprise to the education of our young people.

This is why I am developing legislation to expand tax incentives for American businesses to invest privately and directly in their local classrooms. Today, companies can deduct from taxable income the depreciated value of products which are donated to charitable tax-exempt organizations. Under my plan, companies such as telephone companies, computer networking firms, software companies, and perhaps even professionals in high-tech training would be offered an expanded tax incentive to donate equipment or services to local schools.

This type of tax incentive would expand private investment in the technological literacy of America's young people. It would accelerate the equipping of our young people for the high-tech environment that exists today, and tomorrow as well.

Such legislation raises important questions. Should the expanded tax credit be available for donations to private schools and homeschooling organizations, in addition to public schools? How can the credit be limited only to those donations that are part of a school's own education technology plan. It should not be an incentive for companies to dump obsolete equipment or software on schools that do not want it. What constitutes appropriate products and services that would be eligible for the expanded credit, and how should they be valued?

These issues should not stop us from taking action. The job of bringing the education of our children into the 21st Century is a tremendous task. But while the task is great, I remind my colleagues that the opportunity for this proposal to benefit our country and our children is greater still.

Mr. Speaker, as I continue to develop this important legislation, I encourage my colleagues to discuss this important matter with families, teachers, school staffs, employers and universities in their own congressional districts. Recommendations and suggestions are most welcome, and should be directed to my Washington office.

SMALL COMMUNITIES CDBG MULTIPURPOSE FACILITIES ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, today I am pleased to introduce legislation that will enable small towns across our Nation to fully benefit from the community development block grant program available through the Department of Housing and Urban Development.

My bill would amend the community development block grant regulations to allow municipal employees in towns of 5,000 or less population to use not more than 25 percent of the square footage in facilities purchased, constructed or renovated with CDBG funds.

I am introducing this legislation after learning of a problem in the Village of Grady, a small community in eastern New Mexico. Strapped for adequate office space, municipal employees sought and received what they thought was appropriate Government approval to move into a small space in a facility built with CDBG funds. But lo and behold, once the move took place, a further examination of Government regulations revealed that the village is prohibited by law from occupying any space in a building built with CDBG funds. The financially strapped village is now stuck with a $13,500 expense to remain in the building.

A small town has a severely limited tax base. It cannot afford to construct separate buildings for every essential service offered its residents. It cannot afford to purchase duplicate office equipment and supplies nor to pay insurance, utilities, and maintenance expenses on several buildings.

Citizens who are hired for municipal jobs in small communities, such as clerks, policemen, firemen, and emergency medical service employees, must often share job responsibilities. Not only is it not economically feasible, but it is very difficult for these employees to work form separate buildings in terms of job communication and coordination.

Small towns must provide vital services to their residents. To do so efficiently, municipal employees must be able to conduct business in decent, affordable, and convenient facilities. We must give our small communities special consideration and enable them to make the best use of limited funding resources. A multipurpose use of facilities purchased, built or renovated with community development block grants is the only answer.

IN HONOR OF THE FAIRPORT FIRE DEPARTMENT MARCHING BAND

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, I rise to pay tribute to the Fairport Fire Department Marching Band, which celebrated its 25th anniversary on January 4, 1997.

Over the past 25 years, this group of talented musicians has spread its reputation across New York State. The band regularly participates in the St. Patrick's Day Parade in Syracuse, NY, and the ''Christmas In July'' Parade in Clayton, NY. It has received numerous prizes and honors, including winning the State championship 5 of the past 7 years. The band also has had the honor of displaying its musical talent to Vice President AL GORE.

In addition to parading and competing, the players perform numerous concerts throughout the Rochester area. The Rochester community benefits immeasurably from the contributions of this dedicated and talented group of people.

I extend my congratulations to them as they celebrate 25 years of making music.

BEACON-OF-HOPE FOR ALL AMERICANS: EVY PAPILLON

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner-city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as BEACONS-OF-HOPE.

Evy Papillon is one of these BEACONS-OF-HOPE residing in the Central Brooklyn community of New York City and New York State. Throughout the years, Evy Papillon has worked diligently in positions that she found to be beneficial to the community. She is directly responsible for community enhancement efforts that impact the social-human services and health care. Every Saturday, Ms. Papillon devotes her time toward feeding the homeless at her own expense. A member of Foyer Chretien since 1993, she assists Haitians and Haitian-Americans with problems regarding illiteracy and financial challenges. She also helps individuals obtain visas, gain residency, and encourages them to fulfill civic responsibilities.

Recognizing the importance of early detection of breast cancer, Evy Papillon brought the annual Community Health Fair to her church, St. Catherine's of Genoa in Brooklyn. Her socially conscious political work has brought her talents to a number of important organizations. She is one of the founding members of two organizations: Caribbean Women's Health Association and Community Action Project [CAP]. Ms. Papillon's community focus continues in her work with the Community Affairs Department of the New York City Police 67th Precinct. She is also an enthusiastic member of 100 Women for Major Owens; second vice president of the Martin Luther King Commission; member and past membership chair of the Brooklyn Women's Political Caucus, and a liaison for the Democratic Party for Haitian-American Democrats in Brooklyn.

Among the many awards and commendations received by Evy Papillon are: Kingsboro Psychiatric Center Family Care Program Award; New York City State Employees Federated Appeal Recognition Award; Director's Award, Kingsboro Psychiatric Center; and the Central Brooklyn Martin Luther King Commission Award.

Evy Papillon emigrated to the United States from Jeremie, Haiti in 1959. She is a graduate of St. Joseph's College LaChine at the University of Montreal where she received a bachelor of arts degree in nursing and attended St. Joseph's College in New York where she received a bachelor of arts in 1983, and a master of arts in 1986 in health administration.

Evy Papillon is a BEACONS-OF-HOPE for Central Brooklyn and for all Americans.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, today, I am pleased to be introducing legislation to help lead the battle to end fetal alcohol syndrome. The Comprehensive Fetal Alcohol Syndrome Prevention Act will establish a well-coordinated prevention program to help end one of the most devastating conditions afflicting our Nation's children today.

Fetal alcohol syndrome is a frustrating problem in our society today. It is completely preventable. Very simple. No alcohol. No birth defects. It sounds like it would be easy to eliminate this problem but it's not.

Fetal alcohol syndrome remains one of the top three causes of birth defects in this Nation and the leading known cause of mental retardation. In my home State of New Mexico, some parts of the State have rates of fetal alcohol syndrome from two to five times higher than the national average.

The bill being introduced in the House today is an important step in the right direction toward eliminating this problem. This legislation will help create comprehensive public education, prevention, and research programs within the Department of Health and Human Services. The bill will give us a coordinated system to begin to really reduce the incidence of this very costly birth defect.

The bottom line is that we must get Federal funds to the areas that count: to schools, to community health centers, and to clinics. In those places, the funds can be used to spread

the word about the dangers of consuming alcohol during pregnancy.

It's obvious that we have not yet found an effective way to prevent women from consuming alcohol during pregnancy. In fact, recent studies have shown that the number of those born with fetal alcohol syndrome is actually on the rise. We have been given a challenge to our Nation's public health and we have so far failed to meet it.

As we begin to earnestly debate how to reform our health care system, it only makes sense that we work to eliminate health care problems in our country that can be completely prevented.

We must face these challenges and meet them head on. Eliminating these completely preventable problems will not only go a long ways toward improving our health care system, but also the lives of our people.

MACBRIDE PRINCIPLES BILL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, today I rise to introduce the Federal MacBride Principles bill. I am pleased once again to be joined by my distinguished colleague and Ad Hoc Committee for Irish Affairs co-chair, Mr. MANTON of New York, as an original cosponsor of this important bipartisan antidiscrimination measure dealing with employment practices in Northern Ireland.

Fair employment for Catholics in Northern Ireland is an issue that has for many years concerned me, as well as millions of Irish here in America, and all around the globe.

I was very pleased in the 104th Congress to not only hold congressional hearings on this subject matter, but to also lead the effort for the first ever congressional passage of the MacBride Fair Employment Principles as part of our United States taxpayer contribution to the International Fund for Ireland [IFI].

This bill, which we introduce today, incorporates all of the minor changes we made in the MacBride Principles, i.e., principles of economic justice as defined and passed by the last Congress as part of the U.S. contribution to the IFI in the foreign aid bill I referenced earlier. The MacBride Principles have not been changed in any substantive way.

We must treat equally those who would receive any United States foreign assistance, the very same as we do United States employers doing business in Northern Ireland. The changes made in the Federal MacBride bill I am introducing today governing these United States employers doing business there, will also serve to make our approach to both recipients of foreign aid and United States employers doing business in Northern Ireland, totally consistent, and identical, as well.

Our bill would prohibit all United States companies in Northern Ireland from exporting their products back to the United States, unless they are in compliance with these simply straightforward MacBride Principles intended to deal with, and help promote economic justice in the north of Ireland. These principles serve as a set of guidelines for fair employment by establishing a code of corporate conduct, which explicitly does not require quotas, or any form of reverse discrimination.

The MacBride Principles campaign has been the most effective and meaningful effort by Irish America, and their many allies around the world, against the systemic and longstanding anti-Catholic discrimination in employment practices in Northern Ireland. I have been pleased to work with the Irish National Caucus, and AOH, and other outstanding Irish-American groups, and the American labor movement, in this very important cause.

The MacBride effort has played a vital role in keeping the issue of anti-Catholic discrimination in Northern Ireland visible and in the public eye, including as part of any United States foreign assistance to Northern Ireland. The initial campaign was instrumental in bringing about the British Government's Fair Employment Act of 1989.

Much more still needs to be done to address a serious and continuing problem in Northern Ireland, where Catholics are still twice as likely to be unemployed as that of their Protestant counterparts. This is unfair and must change if lasting peace and justice are ever to take hold in Northern Ireland.

The bill we are introducing today will help bring about much needed additional change, at least as to employment practices of the many United States firms doing business in the north of Ireland today.

The MacBride Principles have the support of many in the Irish Government, the European Parliament, and both major political parties here in the United States we are also pleased to see this same support for MacBride included for the first time ever in both major political party platforms this past presidential election year here in the United States.

Mr. Clinton as a candidate pledged during the 1992 Presidential campaign that he would support the MacBride Principles. However, during the 104th Congress he forgot that pledge while his administration fought from the outset my efforts at inclusion of the MacBride Principles are part of the U.S. contribution to the IFI in the foreign aid bill.

The President says he continues to support the MacBride Principles. These principles have been passed into law in 16 States, including our own State of New York. Many American cities and towns have also passed laws or resolutions on the principles. Indeed, the U.S. Congress allowed the principles to become law for the District of Columbia on March 16, 1993; and we passed them last year as part of the foreign aid authorization bill, but regret some we were not able to overcome the President's veto of this bill, and make them law.

The President after his veto of the foreign aid bill during the 104th Congress, ordered his U.S. Agency for International Development Administrator Brian Atwood, and our U.S. observer to to the IFI to work to ensure that the IFI complied as least as to the U.S. contribution, with our provisions included as part of the foreign aid bill (H.R. 1561). His move represented some progress, but we must do more, and codify these principles into law. We would welcome the President's support for these efforts.

We must be all we can to help address and bring focus to hear on the twin problems of unemployment and discrimination, especially in the Catholic community in Northern Ireland. The U.S. can help pay a important role in the chances for lasting peace and justice in Northern Ireland by working to ensure that Northern Ireland had shared economic development and provides for economic justice among both traditions.

Only then can peace and justice take firm and lasting hold in Northern Ireland. The Macbride Principles provide a vital tool to help ensure that the United States neither accepts nor in any way helps maintain the totally unacceptable status quo of twice the level of Catholic unemployment as that of the other tradition which still exists in Northern Ireland today.

Accordingly, I urge all my colleagues concerned about lasting peace and justice in Northern Ireland to support this bill we are introducing today.

INTRODUCTION OF INDEPENDENT COUNSEL LAW REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing a new bill that will amend the independent counsel law to reform many of the current law's clear blemishes.

Although this bill is not intended to embarrass or target the Whitewater independent counsel Ken Starr, the need for serious revisions to the independent counsel law has become clear to me after observing the abuses taking place in the Whitewater case. Whatever your view of Whitewater, you may be surprised to learn that the investigation of Whitewater has already cost more money and involved more FBI agents than the investigation of the World Trade Center bombing.

No matter how serious you think Whitewater may be, there is absolutely no comparison between a land deal that occurred over 17 years ago and a terrorist conspiracy to blow up a major American landmark and office building, killing many people, injuring scores of others, reeking havoc and mayhem on the entire city of New York, and causing millions of dollars in damages.

The office of the independent counsel has run amok. It is time that we stopped allowing independent counsels to run off on their own with no accountability to run up bills running into the millions of dollars with little to no benefit for the American people.

The prosecution of Whitewater has also brought up many ethical matters—beginning with the initial appointment process. My bill will require all ex parte communications relating to the appointment of an independent counsel by the judges who appoint the counsel to be memorialized.

The appointment of Ken Star has also flagged several other ethical issues that should be considered before the appointment of any future counsels.

Are lawyers who have previously represented people with interests adverse to the target of the investigation truly able to be independent? Ken Starr represented Paula Jones, the woman who is suing the President for sexual harassment, and the Bradley Foundation, a conservative organization known for its vitriolic coverage of Whitewater. Such prior representation raises, to my mind, at the very least, the appearance of a conflict.

In addition, while pursuing the Whitewater matter, Judge Starr has remained affiliated

with the law firm of Kirkland & Ellis where he pulls down over a million dollars a year. Do we want an independent counsel who will investigate the matter and do his or her job as quickly as possible without distractions or do we want someone who fits the investigation in around other commitments so as not to diminish his high salary?

Mr. Starr's continued affiliation with his firm raises other troubling ethical questions—should an independent counsel be in the position of questioning individuals who are in turn questioning his own law firm about their prior activities—in this case the Resolution Trust Corporation?

It seems to me that the special court should at least consider such conflicts when appointing an independent counsel and my bill will require the court to consider such issues.

As important as these ethical questions are, an even greater problem is that these questions distract us from the main issue—the Whitewater investigation itself. In recent months you have not been able to read a single article about Whitewater before bumping into a discussion of Ken Starr's ethical jungle. Because the office of the independent counsel is so important and so high profile, those appointed to the position should not have even the appearance of conflicts.

My bill would require a court appointing an independent counsel to look at the potential counsel's past and present conflicts and to consider whether the counsel should work on the investigation full time.

I also want to note my grave disappointment over the politicization of efforts to revise the independent counsel law.

Last February, the Crime Subcommittee held a hearing on this matter and there appeared to be widespread bipartisan agreement that the statute is in need of revisions.

I hope that Chairman HYDE will consider this bill, and in the spirit of bipartisanship that was exhibited during the independent counsel hearing, schedule a markup as quickly as possible.

CONYERS' INDEPENDENT COUNSEL LAW—SECTION BY SECTION

SECTION 1. SHORT TITLE.

The title of the bill is the ''Independent Counsel Accountability and Reform Act of 1997.''

SEC. 2. EXTENSION.

This section reauthorizes the Independent Counsel Act.

SEC. 3. APPOINTMENT AUTHORITY.

This section requires at least one member of the division of the court appointing an independent counsel to have been named to the Federal bench by a President of a different political party than the other two members of the court.

This section gives the District Court for the District of Columbia jurisdiction over the special division.

This section provides that the members of the special division shall be bound by the Judicial Code of Conduct. It authorizes the judges appointing an independent counsel to seek comments about potential nominees, but requires them to memorialize, not the substance, but the fact of those communications.

This section requires the special division to consider whether: (1) a potential independent counsel has any conflicts of interest; (2) will devote him or her self to the investigation full time; and (3) the potential counsel has prosecutorial experience.

SEC. 4. BASIS FOR PRELIMINARY INVESTIGATION.

This section requires the Attorney General to conduct a preliminary investigation whenever she has received specific information from a credible source that an individual subject to the Independent Counsel Law has committed any federal felony or any federal misdemeanor for which there is an established pattern of prosecution.

SEC. 5. SUBPOENA POWER.

This section gives the Attorney General the power to issue subpoenas duces tecum when conducting a preliminary investigation.

SEC. 6. LEVEL OF EVIDENCE.

This section allows the Attorney General to determine that there is no basis for an investigation to continue if, by a preponderance of the evidence, she determines that the subject of the investigation lacked the requisite state of mind.

SEC. 7. PROSECUTORIAL JURISDICTION OF INDEPENDENT COUNSEL.

This section limits the scope of the independent counsel's investigation to those matters for which the Attorney General has requested the appointment of the counsel and matters directly related to such criminal violations, including perjury, obstruction of justice, destruction of the evidence, and intimidation of witnesses.

SEC. 8. CONSULTATION WITH THE DEPARTMENT OF JUSTICE.

This section allows an independent counsel to consult with the Department of Justice regarding the policies and practices of the Department is such consultation would not compromise the counsel's independence.

SEC. 9. AUTHORITIES AND DUTIES OF INDEPENDENT COUNSEL.

This section requires the independent counsel to comply with the Department of Justice's policies for handling the release of information relating to criminal proceedings.

This section requires the independent counsel to petition the court, after 2 years, for funding to continue the investigation. This section also requires the periodic reports filed by the independent counsel to include information justifying the office's expenditures.

SEC. 10. REMOVAL, TERMINATION AND PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.

This section adds the subject of the investigation to the list of those who can seek the termination of the independent counsel on the ground that the investigation has been completed or that it would be appropriate for the Department of Justice to complete the investigation or conduct any prosecution.

This section requires the independent counsel to petition the court for reappointment every 2 years and allows the court to appoint a new counsel if the court finds that appointed counsel is no longer the appropriate person to carry out the investigation.

SEC. 11. JOB PROTECTIONS FOR INDIVIDUALS UNDER INVESTIGATION.

This section protects individuals whose positions are not excepted from the competitive service on the basis of confidential, policy-determining, policymaking, or policy advocating character from being terminated for the sole reason that the person is the subject of an independent counsel investigation.

PROTECT CALIFORNIA'S COASTLINE WITH A MORATORIUM ON OIL AND GAS DEVELOPMENT

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to extend the moratorium on oil and gas development in the Outer Continental Shelf [OCS] off the coast of California. This legislation is similar to H.R. 219 from the 104th Congress.

Californians strongly favor continuing this moratorium. The State of California has enacted a permanent ban on all new offshore oil development in State coastal waters. In addition, California Gov. Pete Wilson and State and local community leaders up and down California's coast have endorsed the continuation of this moratorium.

I believe that the environmental sensitivities along the entire California coastline make the region an inappropriate place to drill for oil using current technology. A 1989 National Academy of Sciences [NAS] study confirmed that new exploration and drilling on existing leases and on undeveloped leases in the same area would be detrimental to the environment. Cultivation of oil and gas off the coast of California could have a negative impact on California's $27 billion-a-year tourism and fishing industries.

This legislation focuses on the entire State of California, and would prohibit the sale of new offshore leases in the southern California, central California, and northern California planning areas through the year 2007. New exploration and drilling on existing active leases and on undeveloped leases in the same areas would be prohibited until the environmental concerns raised by the 1989 National Academy of Sciences study are addressed, resolved, and approved by an independent peer review. This measure ensures that there will be no drilling or exploration along the California coast unless the most knowledgeable scientists inform us that it is absolutely safe to do so.

I am proud to be working to protect the beaches, tourism, and the will of the people of California. I ask my colleagues to join me in cosponsoring this legislation.

A BEACON-OF-HOPE FOR ALL AMERICANS: EDENA C. GILL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right of life, liberty and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our nation. The fabric of our society in generally enhanced

and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as BEACONS-OF-HOPE.

Edena C. Gill is one of these BEACONS-OF-HOPE residing in the central Brooklyn community of New York City and New York State. During the 1960's, Ms. Gill became involved in the Civil Rights Movement and was motivated by such mentors as Jitu Weusi, Al Vann and many others who were involved in the Ocean Hill Brownsville fight. She even worked with assemblyman Roger Green on his first campaign.

Currently, she is a member-at-large of the Thrugood Marshall Democratic Club; recording secretary for the Central Brooklyn Martin Luther King Commission; member of the 100 Women for Major R. Owens; and member of the First Baptist Church of Crown Heights. Among her other affiliations, Ms. Gill is involved with the National Association of Business and Professional Women's Club, Inc. where she serves as President. Elena Gill also became active with the Lefferts Avenue Mothers, an offshoot of the Lefferts Avenue Block Association. She joined the Melvin Walker Democratic Club which later became part of the Partners for Progress Democratic Club.

Married and a mother of two, sons Kyle and Gary, Edena Gill has distinguished her life as one of dedication to community, God and to family.

Edena Gill is a BEACONS-OF-HOPE for Central Brooklyn and for all Americans.

INTRODUCING NURSE PRACTITIONERS MEDICAID REIMBURSEMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, I am proud to introduce legislation to provide Medicaid coverage for all certified nurse practitioners and clinical nurse specialists for services they are legally authorized to perform.

Nurse practitioners provide vital primary care services to the underserved populations in our country. It is time we take full advantage of the quality, cost-effective primary care provided by nurse practitioners.

The legislation I am introducing would enable all nurse practitioners, regardless of specialty, to provide care to Medicaid recipients. Currently, patients are able to access the care of certain nurse practitioners such as family and pediatric nurse practitioners, but others such as adult and women's health nurse practitioners are not accessible.

Over 400 studies have confirmed that the health care provided by nurse practitioners in a variety of urban and rural primary care settings is of the highest quality. Nurse practitioners are particularly capable to provide health care to the indigent. Their educational programs emphasize the provision of care to patients who have limited financial resources. In a national survey conducted by the American Academy of Nurse Practitioners, over 60 percent of the patients seen by these providers had family incomes of less than $16,000 per year. Nurse practitioners rate as high in financial efficiency as they do in consumer satisfaction. Their ability to focus on preventative and curative medical services contribute to the quality as well as the cost-effectiveness of the care they provide.

It is well known that a majority of our underserved populations are located in rural and inner city settings across the Nation. While nurse practitioners are willing and able to provide services in these settings, not all nurse practitioners are currently being reimbursed by Medicaid for their services in these areas.

Nurse practitioners can play a central role in achieving our national goal of providing quality, cost-efficient health care for all citizens. I am hopeful this legislation will help to eliminate disparities in access to care for rural and inner city Medicaid populations by providing direct reimbursement to nurse practitioners and clinical nurse specialists who have proven their ability to deliver quality care in a cost effective manner.

DEFEND THE RIGHT TO LIFE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of the right to life. Tragically, this most basic of human rights has been disregarded, set aside, abused, spurned, and sometimes altogether forgotten. Even more tragically, the U.S. Government has been a willing partner in this affair, and the sad consequence is the sacrifice of something far more important than just principle.

One of the things that sets America apart from the rest of the world is the fact that in this country, everyone is equal before the law. Regardless of race, religion, or background, each person has fundamental rights that are guaranteed by the law. However, we too often overlook the rights of perhaps the most vulnerable among us—the unborn. When abortion is legal and available on demand, then where are the rights of the unborn? When abortion is sanctioned and sometimes paid for by the Government, then how do we measure the degree to which life has been cheapened? When an innocent life is taken before its time, then how can one say that this is justice in America?

My amendment would establish beyond a doubt the fundamental right to life. Congress has an obligation to do what it has failed to do for so long, fully protect the unborn. I urge this body to move forward with this legislation to put an end to a most terrible injustice.

INTRODUCING THE SECOND NATIONAL BLUE RIBBON COMMISSION TO ELIMINATE WASTE IN GOVERNMENT—A NEW GRACE COMMISSION

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to create the Second National Blue Ribbon Commission to Eliminate Waste in Government Act. This legislation is similar to H.R. 217 from the 104th Congress. Building upon the example set by the Grace Commission in 1982–84, my legislation creates an independent private sector commission to help Congress eliminate Government waste.

The Grace Commission, officially established as the President's Private Sector on Cost Control in the Federal Government, marshaled the considerable private sector resources of more than 2,000 business professionals at no cost to the taxpayers. After 2 years of investigating the Federal Government for more cost-effective ways of doing the Nation's business, the Grace Commission delivered its final report to President Reagan in 1984. This effort yielded more than 2,000 commonsense, cost-cutting recommendations, two-thirds of which have become law and saved taxpayers nearly $450 billion. In addition, this commission helped establish the private, nonpartisan organization known as Citizens Against Government Waste.

Building upon that example, my legislation establishes a commission to take several additional steps toward curbing waste in Government. First, the commission would survey the private sector for management and cost control methods to be used in the Federal Government. Second, the panel would conduct in-depth reviews of executive branch operations. Third, the panel would review and reevaluate past reports by agencies such as the Congressional Budget Office and the General Accounting Office.

This 12-member commission would be appointed by the President and the bipartisan leadership of Congress, with no more than six members of the same political party. After the thorough review, the commission would report its findings and recommendations to Congress. The commission's finding would serve as a basis for Congress to reduce waste and streamline Government operations.

I hope that all my colleagues will join me to promote greater fiscal responsibility and more effective Government by cosponsoring this legislation.

WILLIAM DAVIDSON'S GIFT TO CREATE THE FIRST SCHOOL FOR MANAGEMENT OF TECHNOLOGY IN ISRAEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending Mr. William Davidson, president and CEO of Guardian Industries Corp., and managing partner of the National Basketball Association's Detroit Pistons Basketball Club. Bill Davidson has made a remarkable gift of $30 million to establish a world-class business school at the Technion-Israel Institute of Technology in Haifa. Mr. Davidson's great vision and philanthropy will ensure that Israel will continue to develop and expand its highly advanced technology-based industries. Furthermore, the international business community will gain an unparalleled resource in the study of management of technology.

The Technion, founded in 1924, is Israel's leading science and technology university. With this gift, the Technion will establish a premier business school with the unique combination of a Masters of Business Administration program, advanced technological educations, and international management strategy.

Bill Davidson firmly believes that education is the best tool for promoting economic growth. To that end, he has focused enormous philanthropic efforts over the years. In 1992, he gave $30 million to the University of Michigan at Ann Arbor to create an institute to assist nations around the world in making successful transitions to market economies. In 1994, a gift of $15 million was made to establish a graduate school of Jewish education at the Jewish Theological Seminary of America in New York City.

This latest gift to the Technion demonstrates Mr. Davidson's conviction that technology-based industries represent a tremendous opportunity for Israel to expand its economy, attract foreign capital, and, in turn, enhance its long-term economic security. The new Davidson school will allow the Technion to leverage its vast technological capabilities through targeted management education and research and thereby make a critical contribution in Israel's quest for economic independence.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Bill Davidson's generosity and vision in creating a remarkable new business school at one of the world's great scientific institutions. This gift will enrich the lives of countless people in Israel and around the world.

INTRODUCING THE INDIAN CHILD ADOPTION ASSISTANCE AND FOSTER CARE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, today I am introducing legislation that will allow Native American tribes to better serve children who are in foster care or in need of adoption assistance.

My bill will reimburse tribes under the title IV–E Foster Care and Adoption Assistance Program for children placed by tribal courts. Currently, only States qualify for the Federal funds for adoption assistance and foster care. This means if a native American child is placed with a family by a tribal court, that family receives no additional financial support. If that same child was adopted or placed in foster care by a State court, that family would be provided with extra resources to care for that child.

Last year, the Congress was wise to pass bipartisan welfare reform legislation which preserved the entitlement status of the adoption assistance and foster care programs. These programs reflect our Nation's commitment to taking care of some of the most financially and emotionally needy children in our country. It is a tragedy that any child would be left out of our country's support system.

I hope that you will join me in working to pass this bill in the 105th Congress and provide equal and deserved financial assistance to thousands of Indian children.

A BALANCED FEDERAL BUDGET

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise this afternoon to fulfill the pledge I made to the citizens of southern Missouri to introduce and work tirelessly to pass an amendment to the Constitution of the United States that requires a balanced Federal budget. Over the course of the past several decades, fiscal irresponsibility has produced a Federal debt that is fast approaching $5 trillion. That's trillion, with a ''t,'' Mr. Speaker. A debt of $5 trillion is a mind-boggling figure, but it can be placed in a much clearer perspective. A child born today immediately inherits nearly $20,000 of debt, owed directly to Uncle Sam. The same is true for every American. The era of continuing annual budget deficits must end, and it is clear that the only way to restore conservative fiscal values to the Nation's budget is to pass the balanced budget amendment to the Constitution.

The stakes in this debate could not be more important. The fiscal future of the United States hinges on the ability of Congress and the President to make the difficult choices required to balance the Federal budget. It's more than debating trillion dollar figures. It's about making our economy stronger and providing every working American family with a better chance to make ends meet. A balanced budget will strengthen every sector of our economy with lower interest rates that will help families stretch each paycheck further. Home mortgages, automobiles, and a better education will become more affordable to every working family, making the American Dream closer to reality for all.

Mr. Speaker, I am committed to working with my colleagues in the new Congress to see that the balanced budget constitutional amendment is passed and sent to the States for ratification. A constitutional amendment is certainly no substitute for direct action on the part of the Congress. However, we have seen time and time again instances where those who object to conservative fiscal responsibility find convenient excuses to deny the American people a balanced budget. An unbreakable enforcement mechanism is clearly needed to ensure that those who would continue to spend our children's future further into debt are not able to do so.

I also want to make plain that the Social Security trust fund has no place in this debate. The independent trust fund is a sacred trust between generations and must never be used to balance the budget or hide the true size of the deficit.

Commonsense conservatives in Congress and the American people are committed to balancing the budget. I look forward to working throughout this session with all of my colleagues and the White House to pass the balanced budget constitutional amendment on a bipartisan basis. The obligations we owe to hard working American families, their children, and our Nation's future generations deserve nothing less than decisive action to preserve our future by balancing the budget. A constitutional amendment will ensure this outcome.

FAIR CLEAN AIR COMPLIANCE DOWNWIND FROM POLLUTERS

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation that requires the Environmental Protection Agency to consider the downwind transportation of air pollution when determining a region's air quality compliance. This legislation is similar to H.R. 1582, which I introduced in the 104th Congress with the support of the county of San Diego.

In 1990, Congress amended the Clean Air Act to base the smog control requirements for each area on the severity of the area's pollution problem as indicated by the nonattainment area classification. The EPA has established five such classifications: marginal, moderate, serious, severe, or extreme. Under current law nonattainment status is determined without addressing air pollution transported from upwind areas.

Due to pollution blown downwind from the Los Angeles basin, San Diego was initially given a nonattainment classification of severe. San Diego was later reclassified to serious because the ozone design value, 0.185 parts per million, was at the lowest limit of severe. Had the design value been outside that narrow window, San Diego would have been forced to carry out excessively stringent and costly control programs to combat air pollution created and transported from elsewhere.

This situation affects many other communities, too. I encourage all of my colleagues to join me by cosponsoring this legislation.

INTRODUCTION OF LEGISLATION TO PROVIDE A TAX DEDUCTION FOR EMPLOYER-PROVIDED EDUCATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today, Mr. LEVIN introduced legislation which makes permanent the tax deduction for employer-provided education. I am an original cosponsor of this legislation which would include graduate education. The Small Business Job Protection Act extended this deduction from December 31, 1994 until January 1, 1997. The provision only included graduate education until December 31, 1995.

The Democrats of the Ways and Means Committee worked to have graduate education included until January 1, 1997. Unfortunately, our efforts fell short. The legislation introduced is extremely important as it would make this deduction permanent and include graduate education.

We should do all that is possible to make education more affordable. Our economy is becoming more global and we need skilled workers in order to compete. Our job growth is occurring in fields which require high skilled workers. We need to provide employees and employers incentives to further their education.

Recently, the General Accounting Office released a report on this provision. This report backs up my belief that this provision of the

Tax Code is used in all fields of business. Large and small businesses take advantage of this provision.

As a former professor, I have taught many students who have benefited from this provision. I urge my colleagues to cosponsor this legislation. Hopefully, we can make this valuable deduction permanent. This is the type of legislation we should all be able to support.

IN HONOR OF ROBINSON SECONDARY SCHOOL'S DECA CHAPTER AND THEIR EFFORTS TO PROMOTE ORGAN AND TISSUE DONATION AMONG YOUTHS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the work and dedication of the members of the Distributive Education Clubs of America [DECA] Chapter at Robinson Secondary School in Fairfax, VA. Along with the Washington Regional Transplant Consortium and the Coalition on Organ and Tissue Donation, the Robinson DECA Chapter has launched an educational campaign aimed at each high school across the Nation in an effort to promote organ and tissue donation among young people.

Promoting their national theme ''Youth United, For A Second Chance At Life,'' the Robinson DECA Chapter was one of three groups organizing a rally of nearly 300 high school students, Members and Congress including myself and Senator BYRON DORGAN, organ and tissue recipients, and donor family members for an organ and tissue donation rally at the U.S. Capitol last month. The turnout and mood of the crowd was inspiring, and their presence represented the first giant step towards creating awareness among America's youth about the importance of becoming organ and tissue donors.

Currently, they are nearly 50,000 people on a national register awaiting organ and tissue transplants. Unfortunately, not every person in need of an organ or tissue is able to receive what they must have to survive; one American dies every three hours because of a shortage of donor organs. More than 50 people can be helped by a single donor but each year, 12,000 to 15,000 people die who are medically suitable to be organ and tissue donors. For these crucial reasons, we must focus our local and national efforts on educating young people and their families about the serious need to decide now—rather than wait until it is too late—on whether or not they will commit to becoming an organ and tissue donor. While there are many private sector organizations which promote public awareness of the need for organ donation, I am truly proud of the students of Robinson's DECA Chapter and their unprecedented effort to ignite the compassion and understanding of their peers.

Mr. Speaker, I know my colleagues will join me in applauding the members of Robsinson's DECA Chapter for their enthusiasm and diligent work in helping each other understand the necessity of deciding to become an organ donor and for aiding their fellow Americans who desperately need all of us to become organ and tissue donors.

THE POSTAL PRIVACY ACT OF 1997

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I have today introduced the Postal Privacy Act of 1997. This legislation is intended to protect the privacy of each U.S. resident who files a change of address notice with the U.S. Postal Service. The bill is identical to a bill that I introduced in the 104th Congress.

Few people are aware that when they tell the Postal Service about an address change, the Postal Service makes the information public through a program called National Change of Address [NCOA]. NCOA has about two dozen licensees—including many large direct mail companies—who receive all new addresses and sell address correction services to mailers. If you give your new address to the Postal Service, it will be distributed to thousands of mailers. People always ask ''How did they get my new address?'' The answer may be that it came from the Postal Service. People who want their mail forwarded—and who doesn't—have no choice. File a change of address notice and your name and new address will be sold.

NCOA is a reasonable program because it saves the Postal Service and the mailing community money by making everyone more efficient. There are consumer benefits as well. I support NCOA, but it needs one small change. Individuals who file a change of address notice should be given a choice. They should have the option of having their mail forwarded without having their name and address sold to the world of direct mail advertisers and others who traffic in personal information. This is what the Postal Privacy Act will do. It will give people a choice. It will not end the NCOA program.

Who might be concerned about keeping a new address private? Anyone who has fled an abusive spouse does not want the Postal Service giving out a new address. An individual who files a change of address notice on behalf of a deceased relative will not want the new address sold. Imagine sorting through the affairs of a deceased family member only to receive a mound of unwanted mail offering new products and services to that family member from marketers who assume that the person has moved to a new home. Jurors in highly visible trials, public figures, and others may have a special need for privacy as might elderly people who may be more vulnerable to unwanted solicitations.

The bottom line is that everyone should have a choice about how his or her name and address is made available to others. You don't have to have a justification. It should be your decision. The Postal Service should not make this decision for you.

A few years ago, the Postal Service announced that it would provide some protection to individuals who have court orders protecting them against spousal abuse. This was a small step in the right direction, but it was not enough. Only those who have gone to the trouble and expense of obtaining a court order receive protection. Everyone should be entitled to the same option, but without the need for a court order. The Postal Service has demonstrated that it is possible to provide protection to people selectively. I want to extend the option to everyone.

There is nothing new about giving consumers a choice. The Direct Marketing Association, a trade association for the direct marketing industry, has been a strong supporter of opt-out procedures which give individuals a choice about what type of mail they receive. The association supports its own mail preference service that offers consumers an option. There is no reason why the Postal Service cannot do the same thing.

The Postal Privacy Act of 1997 is based on work done by the Government Operations Committee. Those who seek more information about NCOA should read Give Consumers A Choice: Privacy Implications of U.S. Postal Service National Change of Address Program (House Report 102–1067).

There have been several interesting developments since that 1992 congressional report. In 1996, the General Accounting Office investigated the NCOA program and found that oversight of NCOA licensees by the Postal Service was inadequate to prevent, detect, and correct potential breaches of licensing agreements. The report was prepared at my request, and it showed that the Postal Service's NCOA protections were poorly administered. GAO found weaknesses in the seeding program, in the audit of NCOA licensees, and in the review of licensee advertising. GAO also found that the use by licensees of NCOA data for the purpose of creating a new movers list violates the Privacy Act of 1974. This adds to findings in the Government Operations Committee report that the NCOA program is operating in violation of several laws. The GAO report is titled ''U.S. Postal Service: Improved Oversight Needed to Protect Privacy of Address Changes'' (GAO/GGD–96–119) (August 1996).

Another new development recently came to light courtesy of the Internet. An organization called Private Citizen recently suggested in an Internet privacy discussion group that there is already a way to stop the Postal Service from selling a new address. The change of address form allows consumers to indicate if a new address is permanent or temporary. If you check the permanent box, your first class mail is forwarded for a year and your new address is sold through the NCOA program. If you check the temporary box and indicate that the move is for 364 days, you will receive the same mail forwarding service, but the Postal Service does not sell addresses when a move is temporary. I verified with the Postal Service that this is correct.

There is even a bonus of sorts for those who check the temporary box. The Postal Service will not honor mailer ancillary service endorsements requesting a new address through an address correction requested endorsement. This is another way that the Postal Service releases new addresses of its customers to anyone who asks. Those who check the temporary box can evade this form of disclosure as well.

The Postal Service's treatment of the addresses of temporary movers suggests two interesting consequences. First, the existing system demonstrates that the Postal Service already can distinguish between addresses that are to be sold and those that are not to be sold. Arguments that giving consumers a choice will be difficult or expensive are false.

At worst, complying with my bill will only require a change in the form and minor adjustments to notices and procedures.

Second, consumers who want a choice about the disclosure of their new address can obtain it today. They can keep the Postal Service from releasing their new addresses. My bill will make sure that everyone has that choice. We should not restrict this option to those few who learn of this sneaky method of forcing the Postal Service to do the right thing. Let's tell everyone about this option.

A ''SUNSET ACT''

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Sunset Act. This legislation, which is similar to H.R. 216 from the 104th Congress, would require Congress to reauthorize Federal programs every 5 years. Programs that are not reauthorized or extended by Congress would be terminated.

Too many Federal programs are automatically reauthorized, often years after they are no longer needed. This legislation will require any new Federal program to terminate no later than 5 years after its date of enactment, unless reauthorized by Congress. Entitlement programs will be exempted from this legislation.

By requiring Congress to reevaluate and reauthorize Federal programs every 5 years, we ensure greater accountability in the programs we create and help curb Government waste. I invite my colleagues to join me in cosponsoring this legislation.

THE HEALTH INSURANCE FAIRNESS ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, today I proudly introduce legislation of the utmost importance to millions of American small businesses and the self-employed. The Health Insurance Fairness Act will once and for all provide small business owners and the self-employed with the same health insurance tax benefits enjoyed by larger corporations—the ability to deduct 100 percent of their health insurance premium costs.

Making health care costs fully deductible is not an arcane Tax Code issue known only to accountants and IRS auditors. This is an issue that touched the lives of millions of Americans who own or work at a small business. It is especially important to rural areas, like my district in southern Missouri, where small businesses and self-employed individuals, especially farmers and ranchers, form the backbone of the regional economy. However, they have too long been denied access to affordable health insurance for their families, children, and employees because the Tax Code makes it too expensive to purchase. The Health Insurance Fairness Act I am introducing today will help make health insurance more affordable to the self-employed, small business operators, their employees, and equally important, their families.

The previous Congress took an important first step, Mr. Speaker, by enacting legislation to ultimately increase the insurance premium deductibility to 80 percent by the year 2006. Regrettably, this increase is phased-in too slowly, and will hamper the important work we must do to make health care less expensive and easier to get for all Americans—not through Government-run health care, but through private market incentives.

The Health Insurance Fairness Act will increase the premium deductibility rate to 100 percent in the first taxable year after enactment. Millions of self-employed, small business operators, workers and their families will be able to immediately enjoy the security afforded by a health insurance policy. It represents the type of results-oriented legislation the American public has asked this Congress to produce, and I ask my colleagues to support this important measure.

A BEACON-OF-HOPE FOR ALL AMERICANS: DR. JAMES MALONE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Dr. James A. Malone is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Dr. James Malone currently serves as a professor of counseling and director of the Academy for Intergenerational Education at John Jay College. He taught 2 years in the Newark, NJ public schools before moving to John Jay College where he held the following positions: SEEK director, dean of students and vice president of administrative services.

Throughout the years, Dr. Malone has worked diligently in top positions that uplifted his community. His past civic offices include the president of the board of Weeksville and member of the District School Board #17 and Community Board #9. Dr. Malone is a member and trustee of the Church of the Evangel. In 1971, Dr. Malone developed the city sponsored Hawthorne Corners Day Care Center where he served as the first board president. Dr. Malone also helped to develop the Rutland Road Block Association and was elected the second president. He headed a research effort, ''They're All My Kids,'' which reaffirmed the necessity of commitment to our children, our schools, and our community.

Dr. Malone received a bachelor of science degree from the University of Akron; master of science in social work from Rutgers University; and a doctorate of philosophy in higher education from Union Graduate in Cincinnati, OH.

James Malone is a Beacon-of-Hope for central Brooklyn and all Americans.

INTRODUCTION OF THE DEVIL'S SLIDE TUNNEL ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LANTOS. Mr. Speaker, as we in the West cope with another series of devastating winter storms and floods, residents along the San Mateo County coast are relieved to find that a section of Highway 1, known locally as Devil's Slide, which lies precariously on a sea cliff high above the roaring surf of the Pacific Ocean, is still intact. Devil's Slide is a breathtaking, and all too often lifetaking section of California's scenic coastal highway which has slowly been sinking into the Pacific Ocean as it is battered by waves 600 feet below. Winter storms in previous years have closed Highway 1 at Devil's Slide for up to 6 months, leaving residents and businesses dangerously isolated. This area is 12 miles south of San Francisco in my congressional district.

Perennial closures of Devil's Slide have had a devastating effect on our coastal community. Residents have endured unbearable commutes, access to emergency medical care and other services have been threatened, businesses have lost thousands of customers, and some businesses have failed. For residents and businesses along the San Mateo County coast, it is absolutely essential to have Highway 1 open around Devil's Slide.

Mr. Speaker, 12 years ago, in 1984, Congress closely studied the closure of this vital transportation link and lifeline. After heavy winter rains washed out the road, leaving a 250-foot-long crevice in the road which made the road impassible for 4 months. Then Chairman Glenn Anderson of the Surface Transportation Subcommittee held a series of field hearings in Half Moon Bay and Pacifica, CA, and committee members carefully surveyed the unstable roadway which was sliding 3 inches a day into the sea. Committee members viewed 8-foot-deep cracks and fissures in the roadbed and determined that this vital transportation link was eligible for emergency Federal funds. At my request, the Congress provided funding for the permanent repair of Highway 1 at Devil's Slide.

The California Department of Transportation [CALTRANS] made temporary repairs to the roadway and proposed building a controversial 4.5 mile long bypass around Devil's Slide. Some residents opposed the bypass on environmental and antidevelopment grounds and blocked bypass construction in Federal court for over 10 years. A false sense of security brought on by 10 years of drough ended in January 1995, when heavy rains again closed Devil's Slide for 6 months. For the second time in 12 years this vital transportation link

was severed, again disrupting the lives and livelihoods of tens of thousands of residents and businesses.

Mr. Speaker, after decades of debate and lawsuits, the voters of San Mateo County have put an end to the battle with CALTRANS over how to resolve the problem of Devil's Slide. Voters decided overwhelmingly in favor of a local referendum to approve a mile-long tunnel at Devil's Slide instead of a bypass which would involve extensive cutting and filling of Montara Mountain. The referendum amends the local coastal plan, substituting a tunnel as the preferred permanent repair alternative for Highway 1 at Devil's Slide, and prohibits any other alternative unless approved by the voters. Following the release of a Federal Highway Administration sponsored study which found that the tunnel is environmentally feasible and its costs would not differ significantly from the costs of a bypass, CALTRANS reversed it opposition to a tunnel at Devil's Slide.

Mr. Speaker, today I am introducing important legislation to ensure that funds already appropriated and obligated for Devil's Slide will remain available to CALTRANS to build the tunnel at Devil's Slide. This legislation, entitled the ''Devil's Slide Tunnel Act,'' will provide greater flexibility to State transportation officials to use Federal funds already appropriated by Congress to fix this vital transportation link. Joining me as cosponsors of this legislation are bipartisan members of the bay area congressional delegation whose constituents are most affected by the Devil's Slide highway problem—my colleagues, TOM CAMPBELL, of San Jose, ANNA ESHOO of Atherton, and NANCY PELOSI of San Francisco.

Mr. Speaker, if local and State agencies and the citizens of a region determine that a better transportation alternative exists than the alternative for which funds have been obligated, then the Federal Government should grant greater funding flexibility, as long as all other Federal laws are compiled with. It is important that we not permit these funds to lapse. The rebuilding of a severely damaged highway in its existing location may no longer be feasible, and in such cases funds already available to a community should continue to be available.

History tell us that Devil's Slide will wash out again—it is only a matter of time. It is my hope that swift enactment of this legislation will ensure a permanent solution to the residents of the Coastside. I urge my colleagues to support the ''Devil's Slide Tunnel Act.''

STATEMENT OF THOMAS M. DAVIS IN HONOR OF MR. EVANS RICHARDSON, III

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to express my deep appreciation for the invaluable service Mr. Evans Richardson III has provided to me and the constituents of the 11th District of Virginia over the past 11 months. An executive manager with McDonnell Douglas in St. Louis, MO, Evans brought a unique and thoughtful perspective to my office in working on legislative and constituent matters as a 1996 Brookings Congressional Fellow. Almost immediately after he joined my personal staff, he took on a great deal of responsibility, focusing on several key issues such as transportation, environment, affirmative action, and banking. Evans performed his duties with admirable dedication and enthusiasm.

Evans lives in St. Louis, MO, with his wife, Betty and their son Evans IV. He is a graduate of Washington University, and has worked for McDonnell Douglas for 12 years.

Taking an active role in one's community is a responsibility we all share, but which few of us fulfill. Evans actively works for the betterment of his community by serving on the board of directors of several community organizations, including the St. Charles Chamber of Commerce, Herbert Hoover Boys and Girls Club, and the Marygrove Catholic Home for Children.

It has been an honor and a privilege to have Evans Richardson on my staff. I have not only looked to him for legislative counsel, but I trust him as a valued confidante. His candid advice and opinion is always appreciated. I know that my staff and I will dearly miss him. Mr. Speaker, I know my colleagues will join me in thanking Evans for his service to the 104th Congress and wish him continued success in his future endeavors.

FAIR HEALTH INFORMATION PRACTICES ACT OF 1997

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I have today introduced the Fair Health Information Practices Act of 1997. The purpose of this bill is to establish a uniform Federal code of fair information practices for individually identifiable health information that originates or is used in the health treatment and payment process.

This is the third time that I have introduced a health privacy bill, and I hope that the third time is the charm. In the 103d Congress, I introduced H.R. 4077. The bill was the subject of several days of hearings in 1994. In August 1994, the bill was reported by the Committee on Government Operations and became the confidentiality part of the overall health care reform effort. While my bill died along with the rest of health care reform, it was one of the only noncontroversial parts of health reform. In the 104th Congress, I introduced H.R. 435, a bill that was identical to the version reported by the Committee on Government Operations in 1994. A lengthy explanation of the bill can be found in the Government Operations Committee report, House Report 103–601 part V. That report remains highly relevant to this year's bill as well.

During the last 2 years, most of the action on health privacy took place on the Senate side. The leading Senate bill was S. 1360 which was introduced by Senator BENNETT. His bill and mine have many similarities in language and structure, but there are also numerous smaller but significant differences. In addition, my bill covers several aspects of health privacy that were not included in Senator BENNETT'S original bill. I am aware that several interim drafts were developed by Senator BENNETT during the course of the Congress, and these drafts narrowed some of the differences between our two bills. I look forward to the new version of the Senate bill. My bill is largely similar to H.R. 435, but I have made several changes based on new ideas and developments that emerged in the last 2 years. The substantive changes in this year's proposal are:

(1) References to health information service organizations have been dropped. This was a place holder for other institutions that were being developed in the context of broad health care reform. The references are no longer meaningful.

(2) The section on ''Accounting for Disclosures'' has been retitled as ''Disclosure History.'' Nothing substantive was changed, but the new language is more descriptive.

(3) In section 1.01, I added language to the patient access section making it clear that copies of records have to be provided to the patient in any form or format requested by the patient if the record is readily reproducible by the trustee in that form or format. The language was inspired in part by the recently passed Electronic Freedom of Information Amendments. The purpose is to make sure that a patient can have a record in a format that will be meaningful to the patient or useful to other health care providers.

(4) Also in section 1.01, the exception to patient access for mental health treatment notes has been eliminated. The policy of the bill is that a patient should have broad access to his or her health record. Exceptions are provided only when there is a direct conflict with another interest or when access is meaningless or pointless. The only substantive exception had been for mental health treatment notes. Given the broad sweep of the access provision, I am not sure that this exception can be justified any more. I left it out this year so that the advocates of the exception would have to come forward to argue for its inclusion and make their case on the public record.

(5) New language in section 301(d) creates an Office of Information Privacy in the Department of Health and Human Services. The head of the office is the Privacy Advisor to the Department. This is not really a new office. The Department recently established a private Advocate. The purpose of the new legislative language is to define the health privacy functions of this office with more precision and permanence.

(6) Section 304 of the bill deals with preemption of State laws. This is a difficult subject that clearly need more work and thought. I added one new idea this year. New language provides that the States may impose additional requirements on its own agencies with respect to the use or disclosure of protected health information. The idea is a simple one. If a State wants to impose more stringent restrictions on the ability of State police, State fraud investigators, or other State offices to use or disclose protected health information, it may do so.

In this instance, higher standards will not interfere with access to or use of information by other authorized users or by the Federal Government. The goal is to allow States to set as high a floor as they choose with respect to their own activities. This will not undermine the uniformity principle otherwise reflected in the bill, and it will not affect the drive for administrative simplification or uniform technical standards. Only State agencies will be affected by my new language. I thought that this

idea was worth including so that it would attract comment. The language itself may need further tweaking.

The need for uniform Federal health confidentiality legislation is clear. In a report titled ''Protecting Privacy in Computerized Medical Information,'' the Office of Technology Assessment found that the present system of protecting health care information is based on a patchwork quilt of laws. State laws vary significantly in scope and Federal laws are applicable only to limited kinds of information or to information maintained only by the Federal Government. Overall, OTA found that the present legal scheme does not provide consistent, comprehensive protection for privacy in health care information, whether that information exists in a paper or computerized environment. A similar finding was made by the Institute of Medicine in a report titled ''Health Data in the Information Age.''

A public opinion poll sponsored by Equifax and conducted by Louis Harris and Associates documents the importance of privacy to the American public. Eighty-five percent agree that protecting the confidentiality of people's medical records is absolutely essential or very important in national health care reform. The poll shows that most Americans believe protecting confidentiality is a higher priority than providing health insurance to those who do not have it today, reducing paperwork burdens, or providing better data for research. The poll also showed that 96 percent of the public agrees that it is important for an individual to have the right to obtain a copy of their own medical record.

Health information is a key asset in the health care delivery and payment system. Identifiable health information is heavily used in research and cost containment, and this usage will only grow over time. The Health Insurance Portability and Accountability Act of 1996 passed in the last Congress recognized that confidentiality legislation was essential to the fair management of health information. The law established a 3-year timetable for congressional action on confidentiality. That clock is ticking already, and we don't have much time to waste.

By establishing fair information practices in statute, the long-term costs of implementation will be reduced, and necessary protections will be uniform. This will assure patients and health professionals that fair treatment of health information is a fundamental element of the health care system. Uniform privacy rules will also assist in restraining costs by supporting increased automation, simplifying the use of electronic data interchange, and facilitating the portability of health coverage.

Today, few professionals and fewer patients know the rules that govern the use and disclosure of medical information. In a society where patients, providers, and records routinely cross State borders, it is rarely worth anyone's time to attempt to learn the rules of any one jurisdiction, let alone several jurisdictions. One goal of my bill is to change the culture of health records so that everyone will be able to understand the rights and responsibilities of all participants. Common rules and a common language will facilitate broader understanding and better protection. Physicians will be able to learn the rules once with the confidence that the same rules will apply wherever they practice. Patients will learn that they have the same rights in every State and in every doctor's office.

There are two basic concepts that are essential to an understanding of the bill. First, identifiable health information that is created or used during the health care treatment or payment process becomes protected health information, or individually identifiable patient information relating to the provision of health care or payment for health care. This new terminology emphasizes the sensitivity of the information and connotes an obligation to safeguard the data. Protected health information generally remains subject to statutory restriction no matter how it is used or disclosed.

The second basic concept is that of a health information trustee. Anyone who obtains access to protected health information under the bill's procedures becomes a health information trustee. Trustees have different sets of responsibilities and authorities depending on their functions. The authorities and responsibilities have been carefully defined to balance legitimate societal needs for data against each patient's right to privacy and the need for confidentiality in the health treatment process. Of course, every health information trustee has an obligation to maintain adequate security for protected health information.

The term trustee was selected in order to underscore that those in possession of identifiable health information have obligations that go beyond their own needs and interests. A physician who possesses information about a patient does not own that information. It is more accurate to say that both the record subject and the record keeper have rights and responsibilities with respect to the information. My legislation defines those rights and responsibilities. The concept of ownership of personal information maintained by third-party record keepers is not particularly useful in today's complex world.

A key element of this system is the specification of the rights of patients. Each patient will have a bundle of rights with respect to protected health care information about himself or herself that is maintained by a health information trustee. A patient will have the right to seek correction of information that is not timely, accurate, relevant, or complete. A patient will also have the right to expect that every trustee will use and maintain information in accordance with the rules in the Act. A patient will have a right to receive a notice of information practices. The bill establishes standards and procedures to make these rights meaningful and effective.

I want to emphasize that I have not proposed a pie-in-the-sky privacy code. This is a realistic bill for the real world. I have borrowed ideas from others concerned about health records, including the American Health Information Management Association, the Workgroup for Electronic Data Interchange, and the National Conference of Commissioners on Uniform State Laws. Assistance provided by the American Health Information Management Association [AHIMA] was especially helpful in the development of this legislation several years ago. AHIMA remains a valuable source of knowledge on health records policies and an ardent supporter of Federal health privacy legislation.

I believe that we do not have the luxury of elevating each patient's privacy interest above every other societal interest. Such a result would be impractical, unrealistic, and expensive. The right answer is to strike an appropriate balance that protects each patient's interests while permitting essential uses of data under controlled conditions. This should be happening today, but record keepers do not know their responsibilities, patients rights are not always clearly defined, and there are large gaps in legal protections for health information.

My bill recognizes necessary patterns of usage and combines it with comprehensive protections for patients. There will be no loopholes in protection for information originating in the health treatment or payment process. As the data moves to other parts of the health care system and beyond, it will remain subject to the Fair Health Information Practices Act of 1997. This may be the single most important feature of the bill.

The legislation includes several remedies that will help to enforce the new standards. For those who willfully ignore the rules, there are strong criminal penalties. For patients whose rights have been ignored or violated by others, there are civil remedies. There will also be administrative sanctions and arbitration to provide alternative, less expensive, and more accessible remedies.

The Fair Health Information Practices Act of 1997 offers a complete and comprehensive plan for the protection of the interests of patients and the needs of the health care system in the complex modern world of health care. More work still needs to be done, and I am committed to working with every group and institution that will be affected by the new health information rules. I remain open to new ideas that will improve the bill.

In closing, I want to acknowledge the limits of legislation. We must recognize and accept the reality that health information is not completely confidential. It would be wonderful if we could restore the old notion that what you tell your doctor in confidence remains absolutely secret. In today's complex health care environment, characterized by third party payers, medical specialization, high-cost care, and increasing computerization, this is simply not possible. My legislation does not and cannot promise absolute privacy. What it does not offer is a code of fair information practices for health information.

The promise of that code to professionals and patients alike is that identifiable health information will be fairly treated according to a clear set of rules that protect the confidentiality interests of each patient to the greatest extent possible. While we may not realistically be able to offer any more than this, we surely can do no less for the American public.

THE COMMUNITY PROTECTION ACT OF 1997

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, Americans want us to work together to sensibly combat crime. Putting more, better-equipped and fully trained cops on the beat can be a strong part of any anticrime effort. It is for that very reason that today I am introducing the Community Protection Act of 1997.

The bill will allow qualified, properly trained active and retired law enforcement officers to carry concealed handguns. Too often State

laws prevent highly qualified officers from assisting in crime prevention and protecting themselves while not on duty. For example, a man who has spent his life fighting crime is often barred from helping a colleague in distress because he cannot use his service revolver—a handgun that he is required to train with on a regular basis. That same officer, active or retired, isn't allowed to defend himself from the criminals that he put in jail.

My bill seeks to change that by empowering qualified law enforcement officers to be equipped to handle any situation that may arise, wherever they are.

The community protection initiative covers only active duty and retired law enforcement personnel who meet the following criteria:

First, employed by a public agency—security guards are not covered.

Second, authorized by that agency to carry a firearm in the course of duty—all beneficiaries will have received firearms training and appropriate screening.

Third, not subject to any disciplinary action.

Retired police officers must meet all of these criteria and have retired in good standing.

In the tradition of less government, this bill offers protection to police officers and to all of our communities without creating new programs or bureaucracies, and without spending more taxpayer dollars.

Because this is a sensible, nonpartisan bill, it gained tremendous support in the 104th Congress. By the close of legislative business, the Community Protection Act was cosponsored by more than 130 Members of the House from both parties and from all regions of the country. It also gained the interest of the Crime Subcommittee, which held a hearing on the bill in July 1996.

I am proud to once again introduce this important piece of legislation and look forward to working with my colleagues to pass it as soon as possible.

THE NOTCH BABY ACT OF 1997

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, today I am introducing long-overdue legislation to correct an injustice done to well over 6 million senior citizens by the Social Security Amendments of 1977. My legislation, the Notch Baby Act of 1997, will adopt a transitional computation method to assure that America's ''Notch Babies'' born between 1917 and 1921 receive equitable Social Security benefits.

Contrary to what many think, Mr. Speaker, the Social Security Notch is a simple problem that is greatly in need of an obvious solution. Seniors born in the 5-year period after 1916 have seen lower average Social Security benefit payments than those born shortly before or after. This disparity is directly attributable to the revised benefit calculation formula that resulted from the Social Security Amendments of 1977. The facts are clear and Congress must take action to correct this unintended error.

In December 1994, the Commission on the Social Security Notch issued its final report and recommendation to Congress. The commission cited an example of two workers who retired at the same age with the same average career earnings. One of these workers was born on December 31, 1916. The other was born 48 hours later, on January 2, 1917. If both retired in 1982 at age 65, the worker born in 1917 would receive $110 less in monthly Social Security benefits. And yet the Commission on the Social Security Notch concluded that ''benefits paid to those in the 'Notch' years are equitable, and no remedial legislation is in order.'' Mr. Speaker, I beg to differ. One-hundred and ten dollars per month represents a lot of money to any family, but even more so to the millions of retirees who live on a limited, fixed monthly income.

The time for Congress to take action to correct the ''Notch'' injustice is long overdue. I urge all of my colleagues to review the Notch Baby Act of 1997 and cosponsor this important piece of legislation.

A BEACON-OF-HOPE FOR ALL AMERICANS: DR. RUBIE M. MALONE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Currently, the dean, director and chairperson of the SEEK program at CUNY's John Jay College of Criminal Justice, Dr. Rubie Malone has tirelessly dedicated her life to making our society better. She is directly responsible for community enhancement efforts that impact education, social/human services, and health care.

Dr. Malone's civic contributions began at an early age when she began working with high school seniors at Bethany Baptist Church. After transferring to the Church of the Evangel United Church of Christ, she continued working with youth and adult groups. In the Brooklyn Alumnae Chapter of Delta Sigma Theta Sorority, Inc., she has served as president and second vice-president and coordinator of committees and projects including School America, voter registration, health fairs, book and college fairs, teen lift, social action and political awareness, and oratorical contests. She is a member of the Brooklyn Chapter of Links, Inc., where she serves as parliamentarian and is involved in various community projects. Dr. Malone is also a former president of jack and Jill of America.

Dr. Rubie Malone, who is the eldest of twelve children, received a bachelor of science in mathematics from Clark College; a master's degree from CUNY's Hunter College; and a doctorate of philosophy in social services from Columbia University.

Rubie Malone is a Beacon-of-Hope for central Brooklyn and for all Americans.

HOUSE SHOULD ELECT INTERIM SPEAKER

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. ABERCROMBIE. Mr. Speaker, article I, section 2 of the Constitution requires the House of Representatives to choose a Speaker. It is customary at the commencement of every Congress for members of each party to vote for the candidate decided upon by his or her caucus. Because governance of the House conforms to the democratic principles which undergird our Republic, there is no doubt that the votes of the majority will determine who shall be our Speaker.

Today, however, we are choosing a presiding officer in unprecedented circumstances. Never before has there been an election for Speaker in which one of the candidates stands formally accused by the Committee on Standards of Official Conduct of violating the rules of the House. It is not my intention today to argue the merits of the charges against the gentleman from Georgia or what if any sanctions should be imposed. I focus instead on the implications of the committee's statement of alleged violation for today's election for Speaker, for the Speakership as an institution, for the House of Representatives, and for our Nation itself.

The facts are these: The Committee on Standards of Official Conduct alleges that the gentleman from Georgia violated the rules of the House. As of this date the committee has not completed its consideration of the case, and no resolution has been achieved. When resolution does occur, it may very well involve sanctions which make the gentleman from Georgia ineligible to hold the post of Speaker.

Removal of a Speaker under those conditions would be debilitating for the House and the Nation. It would cause chaos within the House and further undermine public confidence in democratic institutions. Even if resolution of the case against the gentleman from Georgia does not result in his ineligibility for the Speakership, his election as Speaker at this time would be inadvisable for two reasons: No. 1, the time, attention, and energy he must devote to his case will diminish the personal resources available for the discharge of his duties as Speaker of the House; and No. 2, the shadow of doubt and suspicion cast by the proceedings against him will undoubtedly fall on every action of the House and bring into question the integrity of this institution.

I believe, therefore, that until the case against the gentleman from Georgia is resolved, the House should choose an interim Speaker. I reiterate my acknowledgement that the majority has the right to determine who that individual shall be. However, in order to ensure that the business of the House is conducted in an undistracted manner, free of

doubts about the integrity of the institution and its governance, that person should be someone not involved in the ethical issues in which the gentleman from Georgia finds himself enmeshed.

AGRICULTURAL WATER CONSERVATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I rise today to introduce the Agricultural Water Conservation Act.

Over the past few years I have read countless articles on the need to conserve water and the role Federal Government has with this mission. While discussing water conservation methods with farmers in my district, I found cost was their overriding concern. The outlays required to implement water conservation systems—that is, drip irrigation, sprinkler systems, ditch lining—are a tremendous burden on the agriculture industry. While I firmly believe most agriculture interest are genuinely concerned about conserving water, cost has crippled the ability to implement conservation methods on farms.

For example, in the San Joaquin Valley, CA, a study was done by the San Joaquin Drainage Program. This report indicates a cost ranging from $21.06 per acre for surface irrigation to $131.40 per acre for linear irrigation. Drip irrigation was measured at a cost of $272.07 per acre. As you can see, with cost ranging from 623 to 1,294 percent above the least-cost approach method of surface irrigation, there are limited incentives at this time for farmers to switch toward better water maintenance practices.

The Agricultural Water Conservation Act is not a mandate for expensive water conservation systems, it is a tool and an option for farmers. Specifically, it will allow farmers to receive up to a 30 percent tax credit for the cost of developing and implementing water conservation plans on their farm land with a cap of $500 per acre. The tax credit could be used primarily for the cost of materials and equipment. This legislation would not require them to change their irrigation practices. However, it would allow those farmers who want to move towards a more conservation approach of irrigation but can not afford to do it during these tough economic times.

This measure is not the end-all solution. This is just the beginning toward the demand for not only in California, but over the United States, to conserve water. I believe farmers will contribute to solving water supply problems when given the opportunity, as they already have through conservation transfers and crop changes. I also believe providing for the long-term water supply needs of environmental, urban, and agricultural users is a critical part of the solution.

The Agricultural Water Conservation Act will provide another vehicle for farmers to contribute to the solution and offer a modest credit to share the cost with the true beneficiaries—the public.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Agricultural Water Conservation Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Federal Government has an historic commitment to assisting areas of the Nation in need of developing adequate water supplies,

(2) water is becoming increasingly scarce and expensive in many parts of the United States, which is compounded when multiple years of drought occur,

(3) in most areas of the United States, farms are overwhelmingly the largest water consumers, and

(4) it is in the national interest for farmers to implement water conservation measures which address water conservation needs and for the Federal Government to promote such conservation measures.

SEC. 3. CREDIT FOR PURCHASE AND INSTALLATION OF AGRICULTURAL WATER CONSERVATION SYSTEMS.

''(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30B. PURCHASE AND INSTALLATION OF AGRICULTURAL WATER CONSERVATION SYSTEMS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the water conservation system expenses paid or incurred by the taxpayer during such year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) with respect to any water conservation system shall not exceed the product of $500 and the number of acres served by such system.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if—

''(A) at least 50 percent of such taxpayer's gross income is normally derived from a trade or business referred to in paragraph (3)(C), and

''(B) such taxpayer complies with all Federal, State, and local water rights and environmental laws.

''(2) WATER CONSERVATION SYSTEM EXPENSES.—

''(A) IN GENERAL.—The term 'water conservation system expenses' means expenses for the purchase and installation of a water conservation system but only if—

''(i) the land served by the water is entirely in an area which has been identified, in the taxable year or in any of the 3 preceding taxable years, as an area of—

''(I) extreme drought severity on the Palmer Drought Severity Index published by the National Oceanic and Atmospheric Administration, or

''(II) water shortage (due to increasing demands, limited supplies, or limited storage) by the Natural Resources Conservation Service of the Department of Agriculture or the Bureau of Reclamation of the Department of the Interior,

''(ii) the taxpayer has in effect a water conservation plan which has been reviewed and approved by such Service and Bureau,

''(iii) such expenses are consistent with such plan, and

''(iv) there is an irrigation water savings of at least 5 percent which is attributable to such system.

For purposes of clause (iv), water savings shall be determined and verified under regulations prescribed jointly by such Service and Bureau.

''(B) WATER CONSERVATION SYSTEM.—The term 'water conservation system' means materials or equipment which are primarily designed to substantially conserve irrigation water used or to be used on farm land.

''(C) FARM LAND.—The term 'farm land' means land used in a trade or business by the taxpayer or a tenant of the taxpayer for—

''(i) the production of crops, fruits, or other agricultural products,

''(ii) the raising, harvesting, or growing of trees, or

''(iii) the sustenance of livestock.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) LIABILITY FOR TAX.—The credit allowable under subsection 9a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—If the amount of the credit allowable under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for the taxable year, the excess shall be carried to the succeeding taxable year and added to the amount allowable as a credit under subsection (a) for such succeeding taxable year.

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section, and any increase in the basis of any property which would (but for this subsection) result from such expense shall be reduced by the amount of credit allowed under this section for such expense.''

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of the paragraph (25), by striking the period at the end of paragraph (26) and inserting ''; and'', and by adding at the end the following new paragraph:

''(27) to the extent provided in section 30B(d), in the case of amounts with respect to which a credit has been allowed under section 30B.''

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30B. Purchase and installation of agricultural water conservation systems.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

TRIBUTE TO RICHARD FLORES TAITANO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. UNDERWOOD. Mr. Speaker, last Saturday evening on Guam, my island lost one of its most outstanding public servants, Richard Flores Taitano. His passing is an enormous loss for Guam as well as for me and my family. He was Uncle Richard to us and those in his extended family, but he was—Senator Taitano, the quintessential public servant—to the rest of the island. Generous to a fault, ethical in all of his dealings, intelligent as well as

intellectual, he embodied the best which Guam has ever produced.

Richard Taitano achieved much in his 75 years of life. He was the first and only native of the territories to ever serve as director of the Office of Territories in the Department of Interior. He served as deputy high commissioner of the Trust Territory of the Pacific Islands at a critical time of transition for the Trust Territory. As significant as this service was during the Kennedy and Johnson administrations, this is not the service for which he is remembered on Guam.

Instead, it is his service at home for his people on Guam. As a young director of finance in the post-Organic Act Guam, he became the first Chamorro to become responsible for monitoring the finances of the new civilian Government of Guam. He did so with intelligence and a high standard of ethics which he expected of himself as well as others. He served four terms in the Guam Legislature from 1972 to 1980. During these terms, he applied the same high standards in overseeing the spending plans of government agencies without regard to friendships, political alliances, or family connections. As a young educator, I had the opportunity to testify in front of him on political status issues. I was afforded no special treatment and, in fact, given some difficult questions to respond to.

For most political leaders on Guam, he was a great Democrat partisan. He served as State chairman of the Democratic Party of Guam from 1967 to 1969. He was the architect of a political machine that was built on hard work, collaboration, boundless energy, unmatched intellect, and powerful grassroots. He was a role model for two generations of politicians and politician wannabees who saw in him the embodiment of the drive for political mastery and the desire to be of public service.

For all in Guam's governmental matrix, he was the best that the island has ever had in devotion to duty combined with the highest of ethical standards. Whether it was his service as a land surveyor, as director of the Department of Finance, as the legislative overseer of the Government's finances, he was Guam's model for ethical public service. There was never any ''deal'' to be made when it involved the public's money. He made the sun shine in on his public service and he shined that same light on every agency head that came before him. He didn't just talk sunshine politics, he lived it and he did so in a way no other Guam public servant has ever matched, before and especially since. He is the role model for those who aspire to ethical public service.

For those of us who were related to him and who grew up in his shadow, he touched us in ways which he himself probably never understood. He was diminutive in size, came from a Baptist family in a very Catholic island and was reared in unprivileged circumstance. He demonstrated to us that stature was measured from the neck up. He showed that a keen intellect and hard work could always overcome advantage. He understood religion to be a personal force and not a public display. During his service as Guam Senator, the Legislative Building and Catholic Cathedral were across the street from each other. I remember well all the times he refused to cross the street to go to the Cathedral for an Inaugural mass for the Guam Legislature prior to the swearing in of the new legislature.

If Richard Taitano were your uncle, he would be the biggest giant in your extended family. If you wanted a lesson in hard work, he provided the role model. If you needed a lesson in service to family and parents and siblings and nephews and nieces, he was the lesson. If you wanted to know almost anything about anything whether it was agriculture or religion or Guam or ethics or the Federal Government, you could always ask him. And if you needed a lesson in humility, he would teach you one through the application of his wry humor.

Like others in the Taitano family, the Kueto clan, he had the sharp tongue to match the sharp mind. He came from a large family whose reputation for hard work and sharp minds is well-known. He applied this to becoming one of the first young Chamorros to become educated in the immediate post-World War II period. Attending to his parents and siblings during the Japanese Occupation of Guam, he came out of the war a very mature and experienced person. He went to Berea College in Kentucky and the Wharton School of Economics in Pennsylvania. He came back to Guam educated and ready to apply his knowledge and understanding of his people to government service, both on Guam and in the Federal sector.

As he had been taught by his parents, he knew that his education and his intelligence required a high level of responsibility from him. He knew that being gifted was just that—a gift. He didn't earn being smart or talented or hard-working. These were the result of his parentage, his heritage, and his place in the world as God intended for him. Personal arrogance was not part of his demeanor, but he certainly enjoyed using his wits to confront arrogance wherever and whenever he saw it.

Uncle Richard was my personal lesson in how to use your wits and how to use hard work to great advantage in life. But that is not the end of the lesson. You see the world is full of witty people, even those who work hard at being witty and those who take full advantage of it. The difference for those who become truly great is that only a handful, only a select few, use those talents in the service of people.

He saw that people needed help and that it was his responsibility to help them, not by bending the rules, but by changing the rules. He was that there was much which was unfair and he challenged the unfairness not by hitting below the belt, but by exposing unfairness whenever he saw it. He saw that there was injustice in government, but he confronted the purveyors of injustice. He didn't pander to the victims of injustice, he went at those who routinely practiced injustice. He was outspoken, but even his silence could convey a powerful message, as when he quietly walked out of the first Guam Commission on Self-Determination when Chamorro self-determination was not going to be the first item on the agenda. He never went back.

He didn't come to this role easily. In carrying out his duties as a Federal official, he engaged in activities which he didn't particularly relish. He appeared in front of the United Nations to defend U.S. policies and was sometimes a caustic critic of local governmental actions. But in his service as Guam Senator, we bore witness to the wisdom which that experience gave him. He could speak with authority not only about local aspirations, but about Federal intent. Although illness eventually pulled him from the mainstream, political novices and experienced elected officials continued to seek his counsel and advice.

Leadership through personal example is a trite phrase, but an appropriate one when speaking about Richard Flores Taitano. Guam will miss him. His legacy is one that should inspire future generations. As may be appropriate and as he desired, he will probably not get the public honor that he so richly merits. He requested that no ''state funeral'' be held for him because he didn't want people standing up to tell ''lies'' about him.

But I know that it really doesn't matter. He was always in it to do the right thing and never for the glory. May that spirit touch us today, elected leaders and government officials. He really was the lamp at the door to a fair and just government on Guam.

The island's heartfelt condolences go out to his widow, Magdalena Santos Taitano, his children Taling, Richard, John, and Carmen and nine grandchildren. His family was a source of strength for him during his extended illness. He also leaves behind brothers and sisters Esther Taitano Underwood, Frank Flores Taitano, Jose Flores Taitano, Henry Flores Taitano, Candelaria Taitano Rios and William Flores Taitano.

Si Yu'os ma'ase' nu todu i che'cho'-mu para i minaolek i taotao-mu yan i tano'-mu.

CASA MALPAIS NATIONAL HISTORIC LANDMARK

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. HAYWORTH. Mr. Speaker, today I am reintroducing legislation which would authorize the Secretary of the Interior to provide assistance to the Casa Malpais National Historic Landmark in Springerville, AZ. The Casa Malpais National Historic Landmark is a 14.5 acre archeological site located near the towns of Springerville and Eager in northeastern Arizona. The site was occupied around A.D. 1250 by one of the largest and most sophisticated Mogollon communities in the United States.

Casa Malpais is an extraordinarily rich archeological site. Stairways, a Great Kiva complex, a fortification wall, a prehistoric trail, catacombs, sacred chambers, and rock panels are just some of the features of this large masonry pueblo. Due to its size, condition, and complexity, the site offers an unparalleled opportunity to study ancient society in the Southwest and, as such, is of national significance.

My legislation would establish the Casa Malpais National Historic Landmark as an affiliated unit of the National Park Service. Affiliated status would authorize the resources and protection necessary to preserve this treasure. As a member of the family of affiliated national landmarks, the public would also have greater exposure to the Casa Malpais site.

The communities in the area support this legislation. Local officials have taken steps to ensure that all research and development of the site is conducted in consultation with local native American tribes.

I ask my colleagues to support this measure. It will enhance the landmark's attributes for the enjoyment and education of local communities, the State of Arizona and the Nation. By supporting this legislation, we can help open this unique window of history through

which we can study and learn about our rich heritage.

FRIENDSHIP IS ESSENTIAL TO THE SOUL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. PAYNE. Mr. Speaker, November 17, 1996 marked the 85th anniversary of the founding of the Omega Psi Phi Fraternity. The fraternity was founded by three undergraduate students and their faculty advisor at Howard University. These gentlemen—Edgar Amos Love, Oscar James Cooper, Frank Coleman, and Dr. Ernest Everett Just—began an organization that would play a major role in the cultural, social, and civic lives of communities of color.

The Omega Psi Phi Fraternity is one of eight members of the National Pan-Hellenic Council. The fraternity's motto is ''Friendship Is Essential To The Soul'' and its cardinal principles are manhood, scholarship, perseverance and uplift. The first chapter, the Alpha Chapter, was organized by 14 charter members on December 15, 1911. Today, Omega Psi Phi is composed of 11 districts and has more than 500 active chapters around the world.

The Upsilon Phi Chapter represents the greater Newark, New Jersey area. It was founded on October 27, 1927 to promote the fraternity's cardinal principles in the community. The 63-member organization has continued the tradition of providing service and support to our community and its people.

The brothers of the Omega Psi Phi Fraternity were very active in America's struggle for social change. Thousands of Omega men from every part of the country were involved in the fight to eliminate racial discrimination. The Omegas financially supported other organizations, including the NAACP and Urban League, that were fighting on the same battle field for social justice.

It is said to forget one's history is to be doomed to repeat one's mistakes. In 1921 at its Nashville Grand Conclave, the Omegas adopted Carter G. Woodson's concept of a National Achievement Week to promote the study of Negro life and history. Today, Mr. Woodson's concept is observed in the month of February as Black History Month. The Achievement Week is still observed during the month of November where tribute is paid to members of the community who have served it in an exemplary manner.

On November 9, 1996, the Upsilon Phi Chapter held its 1996 Achievement Week Awards Breakfast on the campus of the New Jersey Institute of Technology in Newark, New Jersey. The event was a gathering of family, friends, brothers and associates who came together to recognize and thank those who have made a difference. Student Awards were presented to Willie D. Graves and Michael Brown, students of Orange High School and St. Benedict's Prep School, respectively; Irving A. Childress received the Community Service Award; the Citizen of the Year Award went to Milton L. Harrison; the Superior Service Award was accepted by Brother James G. Hunter; the Basileus Award was presented to Brother Felix H. Bryant, Jr. and Brother William H.L. Oliver became Omega Man of the Year.

In their acceptance speeches each gentleman thanked his family for the role each has played in his life. The words role model kept coming up. Felix Bryant thanked his mother who received an Achievement Award in 1995; presenter Louis Childress thanked his awardee brother, Irving, who although younger had been a role model for him; William Oliver recognized his two daughters, Shelly and Krystal and his granddaughter, Kourtney. The theme of being of service to one's community also took a prominent place in everyone's remarks.

Mr. Speaker, I was honored to be the recipient of the 1994 Citizen of the Year Award from the Upsilon Phi Chapter of the Omega Psi Phi Fraternity. It was very gratifying to be recognized for my work by a group of distinguished professional gentlemen who in their own rights make differences in the lives of many people every day. Greatness, commitment and service have permeated the legacy of the Omegas through the memberships of many famous African-American men including marine biologist Ernest E. Just who was recognized recently with the issuance of a commemorative U.S. postal stamp, discoverer of plasma Charles Drew, poet Langston Hughes, developer and initiator of the current Black History Month Carter G. Woodson, attorney and former head of the National Urban League Vernon Jordan, astronaut Ronald McNair, America's first African-American Governor L. Douglas Wilder, and author of ''Lift Every Voice and Sing'' James Weldon Johnson. This list of luminaries would not be complete if it did not include two gentlemen who were instrumental in establishing a sound and functional foundation for the fraternity. They are H. Carl Moultrie who served as the fraternity's first national executive secretary (executive director) and Walter H. Mazyck who was the fraternity's preserver of records (historian).

Mr. Speaker, I would like to take this opportunity to enter into the annals of U.S. history, the names of the members of the Upsilon Phi Chapter; hereby thanking them for being such good role models and supporters of our community. The 1996 membership roster includes Lee A. Bernard, Jr., Basileus; William H.L. Oliver, 1st Vice Basileus; Patrick D. Todd, 2nd Vice Basileus; Ronald D. Coleman, Keeper of Records and Seal; Felix H. Bryant, Jr., Keeper of Finance; Derrick Hurt, Keeper of Peace; Rev. John G. Ragin, Chaplain; and members Dwayne R. Adams, Donald D. Baker, James R. Barker, Jr., Stephen Barnes, Richard A. Bartell, Jr., James E. Bennett, Victor Cahoon, Louis Childress, Jr., Steve Cooper, Michael A. Davidson, Adrian C. Desroe, Edward Von Dray-Smith, Daniel Eatman, Leon Ewing, Jeffrey C. Gaines, Alfred C. Gaymon, Tyrone Garrett, Hugh M. Grant, Richard Greene, Bruce D. Harman, Keith Harvest, Pearly H. Hayes, Thomas V. Henderson, Bruce A. Hinton, James G. Hunter, George W. James, IV, Sharpe James, Michael W. Johnson, Kenneth J. Jones, Ronald M. Jordan, Jr., Calvin R. Ledford, Jr., Melvin D. Lewis, Jr., Gilbert D. Lucas, Samuel M. Manigault, Samuel T. McGhee, Maxie A. McRimmon, Clifford J. Minor, Ronald J. Morse, Jr., Roy Oller, Sedgewick Parker, Alfred Parchment, S. George Reed, Autrey Reynolds, Arthur J. Smith, III, Zinnerford Smith, Rhudell A. Snelling, Jessie L. Stubbs, Jr., Kenneth Terrell, Lloyd Terrell, Antionne Thompson, Charles W. Watts, H. Benjamin Williams, Robert Wilson, Jr., James C. Wilkerson, Rashad Wilkerson, and Ennis D. Winston.

Mr. Speaker, I am sure my colleagues will want to join me as I offer congratulations to the award recipients and extend best wishes for a prosperous, healthy and happy 1997 to the members of Omega Psi Phi Fraternity, particularly the membership of the Upsilon Phi Chapter of Newark, New Jersey.

INTRODUCTION OF THE TRUTH IN BUDGETING ACT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SHUSTER. Mr. Speaker, I rise today to introduce, along with the Ranking Member of the Transportation and Infrastructure Committee, Representative OBERSTAR, the Truth in Budgeting Act, which takes off-budget four user-financed, deficit proof transportation trust funds.

In the 104th Congress, the House, on April 17, 1996, voted by nearly a two to one margin (284–143) in favor of the same bill that we are introducing today. The support for that legislation was overwhelmingly bipartisan.

The reason for this support is simple. The issue before the House was not a budget question but rather a matter of honesty with the taxpayer. Members concluded that they no longer wanted to continue the charade of collecting dedicated gas, airline, waterway, and harbor taxes and using the funds—not to fund infrastructure improvements—but rather to mask the size of the general fund deficit.

The Truth in Budgeting Act is very simple. It removes four trust funds (Highway, Aviation, Inland Waterways, and Harbor Maintenance) from the Congressional Budget. The trust funds still remain subject to all current authorizing and appropriations controls. Indeed, the legislation includes provisions guaranteeing that the funds can never deficit spend.

All spending from these trust funds would still require authorization and appropriate spending controls could still be set by the Appropriations Committee. Further, spending from the funds are still subject to line item veto and would be included in calculations under balanced budget constitutional amendments.

America's infrastructure needs are staggering. For highways, we should be spending $60 billion per year but are only spending $30 billion. Similar levels of neglect exist in our bridge and transit programs. Our air traffic control system is still literally running on vacuum tubes.

There are numerous costs to this under investing: increased commuting times and delay, additional cost from wear and tear, decreased industrial productivity and international competitiveness, and increased transportation costs for businesses.

Perhaps the greatest cost is in diminished safety. Fatal accidents on four-lane divided highways may be one half that of two-lane roads. Improvements from the National Highway System (NHS) may save 1,400 to 3,600 lives yearly as well as savings in human suffering and economic loss. Aviation safety is the top priority of the air traffic control system.

When these trust funds were established, the American taxpayer consented to paying dedicated excise taxes (for example, the gas tax and the airline ticket tax). In return, the Federal Government promised to spend these use-related taxes for infrastructure improvements. To signify the fiduciary responsibility the Federal Government was undertaking, trust funds were established to keep track of receipts and spending. The government further promised that any unspent balances would be invested in the safest security possible—U.S. Government securities.

The current existence of over $30 billion in cash balances in these funds makes a mockery of these promises. For years, we have attempted to appropriately spend the funds in these trust funds, yet the balances continue to rise. This bill is the best available means to the real goal of insuring that these dedicated funds are spent for their intended purposes.

Support for the Truth in Budgeting bill is entirely consistent with support for a balanced budget or a constitutional amendment to balance the budget. According to CBO, the Truth in Budgeting Act does not, by itself, spend any additional funds. We have always been committed to working out reasonable spending levels to draw down the balances while continuing on track to reach a balanced budget. Indeed, due to their self-financing nature, these trust funds are model programs for how to balance the budget.

In addition, due to the unique nature of these four transportation trust funds, there will not be a stampede of other trust funds deserving of the same off-budget treatment. Unlike other trust funds, these four funds are totally user financed, deficit proof, not entitlements, and annually controlled.

There is a strong argument that releasing these funds for infrastructure improvements will actually make it easier to balance the budget. A recent study funded by the Department of Transportation found that since the 1950's, industry realized production cost saving of 24 cents for each dollar of investment in highways. In other words, a dollar of highway investment paid for itself within 4 years.

A $1 billion expenditure on highways supports 56,600 full time jobs: 42,100 of these jobs are in highway construction and supply industries and an additional 14,500 jobs are in other industries throughout the economy.

A well-managed program of infrastructure investment improves the Nation's productivity and economy, making it easier to balance the budget.

A wide cross-section of business, labor, and government organizations recognizes these facts and supports the Truth in Budgeting Act. In all, 94 organizations are part of a Truth in Budgeting Coalition working to pass this legislation.

Support for the Truth in Budgeting Act is a win-win situation. Taking the transportation trust funds off-budget restores faith with the American taxpayer over the promises made when these taxes were enacted. Spending from the trust funds is still completely subject to congressional control, is consistent with a balanced budget, and can help the economy, making it easier to reach a balance.

COMMON LANGUAGE, COMMON SENSE: THE BILL EMERSON ENGLISH LANGUAGE EMPOWERMENT ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, today I introduce legislation making English the official language of the U.S. Government. Similar legislation in the 104th Congress (H.R. 123) drew 197 bipartisan House cosponsors, and won a bipartisan 259–169 House vote on August 1, 1996.

The Bill Emerson English Language Empowerment Act represents a commonsense, common language policy. The legislation:

Names English as the official language of the Government of the United States;

Recognizes our historical linguistic and cultural diversity, while finding that English represents a common bond of Americans, and is the language of opportunity in the United States;

Requires the U.S. Government to conduct its official business in English, and to conduct naturalization ceremonies in English;

Entitles every person in the U.S. to receive official communications in English;

Includes commonsense exceptions to the policy, such as for international relations, national security, teaching of languages, preservations of Native Alaskan or Native American languages, and for any use of English in a nonofficial or private capacity;

Is supported by 86 percent of all Americans, 81 percent of immigrants (Luntz, 1996), and a broad range of mainstream citizen organizations, such as U.S. English, the Veterans of Foreign Wars, the American Legion and others.

The only substantial difference between this bill and the H.R. 123 adopted by the House in 1996 is that the House-passed bill incorporated a repeal of the Federal bilingual ballot mandate, H.R. 351, and this bill does not. I continue to support repeal of the Federal bilingual ballot mandate. This arrangement helps simplify the bill's referral to only one House committee.

Our late colleague, Representative Bill Emerson worked for many years to make English the official language of the U.S. Government. Through his goodwill, we had an historic and successful first-ever House vote on the issue in the 104th Congress. His widow and successor, Representative JoAnn Emerson is the first cosponsor of this legislation in the 105th Congress.

I invite Members to cosponsor the Bill Emerson English Language Empowerment Act in the 105th Congress, so we may enact this positive and constructive legislation.

VOLUNTARY SCHOOL PRAYER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment to ensure that students can choose to pray in school. Regrettably, the notion of the separation of church and state has been widely misrepresented in recent years, and the Government has strayed far from the vision of America as established by the Founding Fathers.

Our Founding Fathers had the foresight and wisdom to understand that a Government cannot secure the freedom of religion if at the same time it favors one religion over another through official actions. Their philosophy was one of evenhanded treatment of the different faiths practiced in America, a philosophy that was at the very core of what their new Nation was to be about. Somehow, this philosophy is often interpreted today to mean that religion has no place at all in public life, no matter what its form. President Reagan summarized the situation well when he remarked, "The First Amendment of the Constitution was not written to protect the people of the country from religious values; it was written to protect religious values from government tyranny." And this is what voluntary school prayer is about, making sure that prayer, regardless of its denomination, is protected.

There can be little doubt that no student should be forced to pray in a certain fashion or be forced to pray at all. At the same time, a student should not be prohibited from praying, just because he-she is attending a public school. This straightforward principle is lost on the liberal courts and high-minded bureaucrats who have systematically eroded the right to voluntary school prayer, and it is now necessary to correct the situation through a constitutional amendment. I urge my colleagues to support my amendment and make a strong statement in support of the freedom of religion.

A BEACON-OF-HOPE FOR ALL AMERICANS: KENNETH TAYLOR

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner-city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Kenneth Taylor is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. In 1982, Mr. Taylor offered his services as a volunteer in the office of Congressman MAJOR OWENS and later rose to the position of deputy

district director. During the course of his tenure there, he assisted thousands of constituents with various problems. He became an expert at resolving immigration problems and was recognized throughout the city. After nearly 13 years with Congressman OWENS, Mr. Taylor retired; however he remains active in his community.

Kenneth Taylor also devotes much of his time to music. He serves as an organist, composer, and arranger for his church in Brooklyn. Moreover, he is vice president of the 100 Men for Major Owens; member of District 65; and member of Sigma Alpha Delta.

Shortly after his arrival from his native country of Cuba, Kenneth Taylor enlisted in the United States Army and was stationed in France and Germany. At the end of his enlistment, he received an honorable discharge. He, thereafter, attended Bernard Baruch College where he graduated with a bachelor of arts in management. He also received a certificate in paralegal studies from Long Island University and completed an internship with the corporate counsel of the city of New York.

Kenneth Taylor is a Beacon-of-Hope for central Brooklyn and for all Americans.

SALUTE TO JAMES JOHN LENIHAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. LOFGREN. Mr. Speaker. In an era when hard work and dedication to the public good sometimes seem outdated, we need to be reminded what personal character and long-term commitment mean. It is the men and woman who work hard, raise children and contribute to the quality of their neighbor's lives who are the true heroes of American life.

Jim Lenihan is such a person. Jim graduated from the University of San Francisco, married his wife, Nancy, and began a long and successful career in the insurance business which lasted forty years. During this time, Jim and Nancy raised their five children, while Jim found time to engage in a host of civic activities in Mountain View and Santa Clara County. A dedicated family man who also worked hard to give back to his community, Jim is much loved in Mountain View. In 1960, Jim began his other career in the water resources field by being elected Board Director of the Santa Clara Valley Water Conservation District, the predecessor to today's Santa Clara Valley Water District in San Jose, CA.

Jim has served for 36 years on the Santa Clara Valley Water District Board as a guiding force for thoughtful water resources management. During his tenure, Jim had a leading role in the critical decisions facing the District in the development of a reliable water supply for the County. Specifically, Jim was involved in the development of the San Felipe Water Importation System, the Guadalupe River Flood Control Project, the State Water Project and a host of state and federal water policy issues. His early involvement and effective leadership to secure local, state and federal finding in support of the State Water Project and the federal Central Valley Project has helped make Santa Clara County and the State of California leaders in the stewardship of our water resources. One of Jim's key successes and one which our County long profit from was Jim's hands-on involvement and support for the approval and construction of the San Felipe Division of the Central Valley Project. This project, for the first time, brought federal water into our County. His leadership was critical at a time when many did not think it was possible to overcome all the hurdles involved in bringing Federal water to our area. But Jim did.

Throughout his career, the governors of California have sought out Jim's counsel and leadership naming him to numerous boards and task forces on California's more difficult water issues ranging from Auburn Dam to the transfer of the Central Valley Project to the state. Jim also served for ten critical years as a governor's appointee to the California Water Commission. This assignment brought him to Washington to make California's case for increased funding for our water initiatives. Many stories are told of Jim's tenacious, but thoughtful support for California's projects among the appropriations committee staff and federal agencies—and what a difference he made.

I was privileged to see Jim in action last spring as he led a San Jose contingent to Washington to make the case for key funding levels for the Guadalupe River Project. His sincere feeling for the protection of his constituents, coupled with his knowledge of the appropriations process and his Irish wit and good humor made for a winning combination. This enabled the County's federal representatives to secure federal funding in difficult financial times. Jim's been working his magic for our County now for 36 years—we cannot afford for him to retire.

But retire he will in late January 1997 to Watsonville, CA, with Nancy where he will enjoy his five children and plan for the next phase of his tremendous career. We know Jim will stay involved in California water issues and as the County's elder statesman on water policy, we look forward to calling on him for his wisdom and insight in the years ahead.

And so Mr. Speaker, I would like to extend my fellow Californians' utmost gratitude to Mr. Jim Lenihan for a job well-done earning him a list of sterling achievements rarely matched among our state's leaders in water policy development.

A TRIBUTE TO THE RAIDERS OF MOWEAQUA, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. POSHARD. Mr. Speaker, I want to honor a group of dedicated high school athletes that I am proud to say are from my district. The Central A&M Raiders football team recently won Second Place in the Illinois Class 2A State Football Championship and finished their season with a record of 12 wins and 2 losses.

The consolidated school districts of Assumption and Moweaqua have produced a football dynasty in central Illinois. This season the Central A&M Raiders made their third appearance in the Illinois State High School Football Championship Game and this is also the third time that the Raiders have brought home the second place trophy. Unfortunately for the Raiders, the third time was not the charm for the State championship. However, I believe that there are no losers in a State championship game, because both of the teams playing are winners already.

Having the opportunity to play in a State championship game in any sport is a great accomplishment that cannot be attained without hard work. I commend the Raiders students, coaches, and fans for their hard work and dedication to the sport of football as well as the loyalty that they have shown for their school.

For the record, I would like to list the names of the players, coaches, managers, cheerleaders, and pom-pom squad members involved in the success of the 1996 Central A&M Raiders Football Team. First, the players: Jim Dial, Ryan Dorsey, Craig Fathauer, Ross Forlines, Joe Gould, Matt Hite, Jim Hunt, Travis Kerby, Drew Moore, Aaron Potsick, Tim Prosser, Trent Rodman, Wes Shanks, Wes Temples, Jeremy Buckles, Jason Churchill, Virgil Coffman, Bob Hogan, B.J. Jordan, Perry Jordan, Mike McLain, Jeremy Medler, Brad Reatherford, Jon Simmons, Richard Stuart, Darin Wall, Derek Wall, Tim Webster, Jeff Carter, Brent Damery, Graham Danyus, Justin Dirks, Jacob Elder, Adam Germscheid, Ross Minott, Josh Monson, Nathan Morrison, Chris Stringer, Andy Tibbs, and Brandon McVey. Coaching the Raiders were Mark Ramsey, Gerald Temples, Brett Hefner, Doug Morrell, Brad Kerby, Mike Lees, and Jerit Medler. Team managers were John Allison and Jesse Adrian, The cheerleaders included Amanda Bilyeu, Bidget Bilyeu, Amber Blades, Jody Burckhartt, Michelle Matlock, Courtney Nicol, Jennifer Ramsey, Abbey Seifert, Amy Seifert, Jenny Vincent, Brianne Wempen, and Hilary Wooters. Members of the pom-pom squad are Brooke Boitz, Kelly Clutter, Amanda Dorsey, Amanda Flemming, Jennifer Ludlum, Neely Sloan, Ronda Sloan, and Tiffany Wilson.

On behalf of the 19th District of Illinois, I extend my congratulations to the Central A&M Raiders on another successful season. As the words to your fans' favorite cheer says, ''We are proud of you.''

PROTECT VOTING RIGHTS FOR THE HOMELESS; THE VOTING RIGHTS OF HOMELESS CITIZENS ACT OF 1997

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LEWIS of Georgia. Mr. Speaker, as the 105th Congress convenes today, I am pleased to reintroduce the Voting Rights of Homeless Citizens Act of 1997. The purpose of this legislation is to enable the homeless, who are citizens of this country, to vote. The bill would remove the legal and administrative barriers that inhibit them from exercising this right. No one should be excluded from registering to vote simply because they do not have a home. But in many States, the homeless are left out and left behind. That is not right. It is not fair. It is not the way of this country.

During this century, we have removed major obstacles that prevented many of our citizens from voting. Not too long ago, people had to

pay a poll tax or own property to vote. Women and minorities were prohibited from casting the ballot.

Before the Civil Rights Movement, there were areas in the South where 50 to 80 percent of the population was black. Yet, there was not a single registered black voter. In 1964, three young men in rural Mississippi gave their lives while working to register people to vote. Many people shedded blood and some even died to secure voting rights protection for all Americans.

Mr. Speaker, over 30 years ago, President Lyndon Johnson proposed that we ''eliminate every remaining obstacle to the right and opportunity to vote.'' Eight months later, the Voting Rights Act of 1965 was signed into law, making it possible for millions of Americans to enter the political process. The time is long overdue to ensure that every American has the opportunity to exercise this fundamental right.

Our Nation has made progress. The 19th amendment finally gave women the right to vote. The motor voter law made voter registration more accessible to working people. Yet, despite tremendous progress, we still have work to do. I have dedicated my life to ensuring that every American is treated equally and that everyone has the right to register and vote. I ask my colleagues to join me in opening the political process to every American—even those without a home. I urge my colleagues to join me by cosponsoring and supporting passage of the Voting Rights of Homeless Citizens Act of 1997.

HONORING GARRISON KEILLOR

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. EHLERS. Mr. Speaker, It is with great pleasure that I take this time today to recognize America's most gifted, thoughtful, and talented entertainer, writer, and storyteller, Garrison Keillor. I recently had the opportunity to welcome Garrison to the Great Lakes State for a wonderful Christmas performance at the University of Michigan.

Born in the eastern Minnesota town of Anoka in 1942, Garrison Keillor has been providing radio listeners with a serious, yet humorous, view of everyday life through his descriptive and creative stories since his undergraduate days at the University of Minnesota. After graduating Garrison went to work for The New Yorker, where he exhibited his writing skills and explored new interests. However, it wasn't until 1974 that Mr. Keillor began a new radio program that has become a weekly tradition for his almost 2 million listeners worldwide.

''Prairie Home Companion,'' Garrison's variety show creation in 1974, has been a family favorite in my home for over 20 years. Heard on close to 350 public radio stations across the country, with listenership growing, PHC has created a welcome and enjoyable atmosphere reminiscent of radio of years past by providing unique entertainment and strong mental images that only radio can present. Mr. Keillor exhibits a superb knack for story spinning that is refreshing, and a nice change of pace from the pressures we all face in our everyday lives. Because I grew up in the small town of Edgertown, MN, I cherish the moments I am able to enjoy listening to Garrison's radio imagery and reliving some of the joys of my midwestern youth.

Mr. Keillor's work is not limited to his superb activities over radio airwaves. Readers of The New York Times and The Atlantic are enriched and entertained by the thoughts of Garrison through his contributed articles. He is also the author of numerous books: ''We are Still Married,'' ''Happy to be Here,'' ''Lake Wobegon Days,'' ''WLT,'' ''Leaving Home,'' ''The Book to Guys'' and the children's book ''Cat, You Better Come Home,'' He has also broken box-office records in performances with orchestras across the country and overseas.

While his work is obviously appreciated by his fans, as evidenced by his loyal listenership, there is also a mutual respect and admiration from his peers. During the first 13 years of PHC, Garrison received the prestigious George Peabody and Edward R. Murrow Awards, along with a medal from the American Academy of Arts and Letters for his work. He has also received two ACE Awards, a Peabody, and a Grammy, along with several Grammy nominations. The Museum of Broadcast Communications has also paid tribute by inducting him into their Radio Hall of Fame.

I especially appreciate Mr. Keillor's discussions of everyday religious activities of Americans. Although this subject is considered taboo by most media performers, Garrison treats religious beliefs as a normal part of human activity, which it truly is for most people. He discusses it intelligently, thoughtfully, and respectfully, but does so with his superb sense of humor. He points out the foibles of human behavior vis a vis people's religious beliefs, yet does so in a way that humorously causes us to reflect on our faith and actions and how they relate to the greater meaning of life.

Mr. Speaker, I ask my colleagues to join me in thanking Garrison Keillor for his gifted contributions to our society. His dedication, talent, and writing are a true delight for those who have had the opportunity to enjoy his work.

HOUSING AND ILLEGAL ALIENS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GALLEGLY. Mr. Speaker, today I am introducing legislation which is designed to correct a drafting error which appeared in Public Law 104–208 and which pertains to the ability of ineligible aliens to receive Federal housing assistance.

Amendments made to section 214 of the Housing Act, as incorporated into the Immigration Reform bill adopted last year, were designed to make it more difficult for illegal aliens to receive housing assistance. The fact is, illegals are currently receiving housing assistance and every day newly arrived illegal aliens are applying for assistance. HUD, in the past has been very inconsistent in enforcing the laws designed to prevent this funding from going to ineligible families.

Unfortunately, in attempting to correct the obvious flaws in the law, we made a drafting mistake and now HUD is threatening to make the proverbial mountain out of the mole hill.

In considering the potential problems large public housing authorities may encounter as they try to implement mandatory verification of citizenship or immigration status of all applicants for housing assistance, the Senate tried to provide an opt-out provision which would allow HA's to grant housing assistance before all verification was completed if the verification process was taking too long or if the waiting period began to result in an unusual amount of vacant units. While House Members were at first reluctant to put this opt-out into statutory language, it was included in the final version of the bill signed into law.

Unfortunately, HUD has now interpreted the opt-out language to mean that HA's could opt-out of the entire section 214. In other words, If HUD's view prevailed, HA's could legally give housing assistance to illegal aliens without any questions being asked. Needless to say, I totally disagree with the interpretation the Department has rendered on the issue. How HUD's lawyers could come to the conclusion that while adopting legislative changes to section 214, which were intended to make it more difficult for illegal aliens who have been determined by the HA's to be ineligible for new or continued assistance, the Congress would then intend to allow the HA's to turn around and not enforce section 214, is beyond me.

For the record, and as the principal author of the section 214 changes, I will again, state that under no circumstance did the Congress intend any interpretation of the legislation which gives any HA the option of following the law as written in section 214.

It is clear to me, as it was to all of the Members involved, that the author of the opt out only intended to allow HA's with high turnover to be able to place families in housing without having to wait for a verification from the INS. Again, it is inconceivable to me how HUD could say that our intent was to allow HA's to completely ignore a law we were trying to tighten.

The effect of HUD's conclusions would suggest that HUD is now telling the HA's that if they do not want to enforce section 214 they do not have to. This means that HUD is telling the HA's that they may now elect to grant housing assistance to illegal aliens or continue to provide assistance to illegals even after they had been determined to be ineligible. I do not believe this is the official position of the Department.

My legislation is intended to clear up any doubt among HUD or the housing authorities.

APPRECIATION TO THE PEOPLE OF MASSACHUSETTS 3D DISTRICT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McGOVERN. Mr. Speaker, today I took my oath of office to represent faithfully the people of the 3d district of Massachusetts. As I stood on the floor of the House with my 6-year-old niece, Courtney, I remembered the faces of all the families—the men, women and children—with whom I'd met throughout the 3d district during this past year. The pledge I took

today is to work in support of their dreams and aspirations, not only for today, but for the lives of their children and grandchildren.

To be elected to the House of Representatives is to take on a sacred trust. I feel privileged and deeply appreciative to the people of the 3d Congressional District. And on this day, I honor you and your faith in America and our joint future.

RURAL HOUSING LOAN SERVICING PRIVATIZATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I rise today to introduce the Rural Housing Loan Servicing Privatization Act.

Since 1988 the Congress has mandated that the Farmers Home Administration [FmHA], now the Rural Development Administration [RDA] establish an escrow accounting system for the section 502 single-family housing program. It is now 1997 and little progress has been made towards this goal. Since 1990, FmHA has been studying the benefits and advantages of centralizing and contracting out the section 502 program.

A review of efforts to improve the delivery of the section 502 single family-housing program shows that the program is troubled by mismanagement, an unwieldy structure and inferior technology. by FmHA's own admission, it costs $20 million per year to maintain a system that inadequately monitors the program. Because this system cannot be redesigned to maintain a mortgage escrowing program, the agency must pay an additional $20 million per year to voucher property taxes for borrowers. This practice is detrimental to both the borrower and the lender.

In September of 1992, studies by the FmHA and GAO concluded that estimated operating savings could be around $106 million by making these reforms. Unfortunately, trivial action has been taken towards this end at a time when the Congress and the Federal Government are working towards reorganizing and streamlining Government.

The Rural Housing Loan Servicing Privatization Act, will move this process along. This legislation would require the Secretary of Agriculture to implement centralized servicing in the section 502 housing program by entering into contracts with entities ''qualified and experience conducting loan servicing.''

One important aspect that this bill provides is competition between Federal Government and private entities for borrowers. Allowing private companies to compete for the borrowers currently serviced at the local level would fundamentally change the way the RDA does business. It could also mean reaping the benefits of the competitive marketplace, greater efficiency, increase focus on customer needs, and improving morale.

Given the budget and fiscal restraints facing Congress, I believe now is the time for us to work towards the goal of Rural Housing Loan Servicing Privatization Act. By doing this we would lower delinquency rates, reduce loan losses, have escrow account ability, and lower operating costs.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Housing Loan Servicing Privatization Act''.

SEC. 2. REQUIREMENT TO TRANSFER SERVICING OF SECTION 502 LOANS.

Section 502 of the Housing Act of 1949 (42 U.S.C. 1473) is amended by adding at the end the following new subsection:

''(i) TRANSFER OF LOAN SERVICING.—The Secretary shall enter into contracts under section 510(k) providing for the servicing of all loans made by the Secretary under this section, to the extent entities qualified and experienced in conducting loan servicing for residential mortgage loans are available and agree to enter into such contracts.''.

SEC. 3. ADMINISTRATIVE PROVISIONS

Section 510 of the Housing Act of 1949 (42 U.S.C. 1480) is amended—

(1) in subsection (j) by striking ''and'' at the end;

(2) by redesignating subsection (k) as subsection (l); and

(3) by inserting after subsection (j) the following new subsection:

''(k) enter into contracts (having such provisions as the Secretary considers appropriate) with entities qualified and experienced in conducting loan servicing for residential mortgage loans to conduct the servicing for loans made by the Secretary under this title, which shall provide for such entities to receive scheduled periodic payments from borrowers pursuant to the terms of loans, including amounts for any escrow accounts, and making payments of principal and interest and such other payments with respect to the amounts received from borrowers as may be required pursuant to the terms of loans and may provide for such entities to retain a fee for servicing from loan payment amounts received; and''.

A BEACON-OF-HOPE FOR ALL AMERICANS: ANNIE NICHOLSON

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Annie Nicholson is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Since 1982, Annie has served as case worker for Congressman MAJOR OWENS. She has gained critically needed emergency services for people in need, and she has recovered thousands of dollars in entitlement funds for citizens who have been unjustly treated by government agencies. Few people know their way through the social service bureaucracy as well as Annie Nicholson.

Ms. Nicholson is a rare combination of case worker and community activist. She is a member of the board of directors of the Paul J. Cooper Human Services Center; a member of the board of the Atlantic Avenue TAP Center; and a member of 100 Women for Major Owens.

Annie Nicholson is a native of Gulfport, MI where she graduated from the 33d Avenue High School. She later attended Kingsboro Community College and received training for manpower and career development counseling; welfare advocacy; and legal service advocacy. Annie is also the proud mother of two sons—Jerry and Rodney Nicholson.

Annie Nicholson is a Beacon-of-Hope for central Brooklyn and for all Americans.

IN MEMORY OF REVEREND SUMPTER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MILLER of California. Mr. Speaker, this past Saturday I had the chance to join many in my community to both mourn the death and celebrate the life of Rev. Percel Napoleon Sumpter, pastor of Solomon Temple Missionary Baptist Church. For more than 30 years Reverend Sumpter has been a leader in our community. He worked tirelessly to promote a better understanding between various factions of our community, getting the police to understand our youth and helping young people work with the police, trying to provide job opportunities for those on public assistance, and seeking better housing for the elderly and low income. Our community owes a great deal to Reverend Sumpter.

Like the hundreds of people who attended his homegoing celebration on Saturday, I will miss Reverend Sumpter and all of his wisdom and counsel.

Our entire community conveys to the Sumpter family our deepest sympathy.

I am enclosing below an obituary of Reverend Sumpter that may inspire many of us as we seek to help our own communities.

OBITUARY

''The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the broken hearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord.'' Luke 4:18–19

The Reverend Dr. Percel Napoleon Sumpter was born in Columbia City, Florida, on December 22, 1925, to his proud parents, the late Mr. Lewis and Mrs. Eva Sumpter. Dr. Sumpter was one of seven children.

He was preceded in death by one brother, Reverend Lazarus Sumpter; two sisters, Mittiean Latson and Rosa Fashaw.

Dr. Sumpter was reared in a Christian home and taught Christian principles by his parents. He confessed Christ and was baptized at an early age and united with Bethel

Baptist Church in Fort Pierce, Florida. Reverend C. Byrd was his pastor.

He received his education in the public schools in Columbia City, Florida, and received his Masters Degree in Manual Carpentry from Lincoln Park Academy of Columbia City, Florida.

He was always interested in gospel music. As he grew older, he was inspired by God and his interest grew stronger. At the age of eighteen, he was blessed to organize and sing with the Truetone Gospel Singers and the Golden Bell Jubilee Singers of Fort Pierce, Florida. He became a professional singer and was blessed and privileged to tour through most Southern, Midwestern and Western States, singing in concert with renowned recording artists. He was noted as the star leader of the singing group. He and his singing group was blessed and honored to sing for branches of the United States Armed Services.

In 1954 he changed his place of resident from Florida to Vallejo, California. He united with the St. John Baptist Church of Vallejo, California, and joined the choir, known as the Voices of St. John.

On April 9, 1964, he confessed his calling to the ministry under the leadership of Dr. Calvin Miller. He was licensed May 14, 1964, and ordained September 12, 1965, by Dr. Calvin Miller. He served as the assistant pastor of Good Samaritan Baptist Church of Vallejo, California, where Dr. Calvin Miller was pastor. Dr. Sumpter retained his membership at Good Samaritan Baptist Church, where Reverend M.D. Slade is pastor at this time.

Dr. Sumpter continued his education at Solano College for three semesters. He received an honorary Doctorate of Achievement Degree from the United Theological Seminary of Monroe, Louisiana, by Dr. S. Henry White, Registrar. He attended the Progressive Baptist Seminary in Vallejo, California. He also attended the National Congress, U.S.A., Inc. and taught classes on ''Jesus and His Teaching in Light of the New Testament''.

In February, 1967, Solomon Temple was in need of a pastor; one that would spiritually motivate the congregation. The Church prayerfully searched for that special God-sent man. Several ministers were given appointments to speak to the membership. Dr. Sumpter was included.

Dr. Sumpter delivered to the Church a message from God. He closed his message with a song: ''It's Another Day's Journey, and I'm Glad About It''.

On February 26, 1967, Dr. Sumpter was installed as the pastor of Solomon Temple Missionary Baptist Church by Reverend J.L. Johnson, pastor of Elizabeth Baptist Church, Richmond, California.

Under the dynamic Christian leadership of Dr. Sumpter, many stimulating auxiliaries and classes have been organized for the purpose of nurturing Christian growth.

He was employed by the Hoffman Company in Concord, California, as a master carpenter for twenty-five years until retiring in 1984.

Dr. Sumpter shared liberally his time, his God-given talents and his strong Christian influence and material possessions so that each of us may know through his visual example how to become true Stewards of Christ.

He was currently serving as an Instructor for the St. Vincent de Paul Employee Training Program.

November 24, 1996, Dr. Sumpter preached his last sermon at Solomon Temple Missionary Baptist Church from scriptures: Psalms 72:16 and Psalms 73:1–2. The subject: ''Christ, Our Sufficiency''.

On December 27, 1997, Dr. Sumpter answered the welcome voice of his Savior, and was translated into the presence of Jesus. He leaves to cherish his memory; his loving and devoted wife of forty-two years, Mrs. Arimentha Sumpter, Vallejo, California.

Four daughters: Margaret Cooley, Vallejo, California; Joyce Balkum Sumpter, Rochester, New York; Sonja Reese, Fort Meyers, Florida; and Sadie Shivers, Dale City, Virginia.

Three sons: Terry Sumpter, Vallejo, California; Aaron Sumpter, Petersburg, Virginia; and Calvin Smith, Fort Pierce, Florida.

Godson: Victor A. Jones, San Diego, California.

One sister: Anna Wilson, Lake City, Florida.

Two brothers: Reverend Nathaniel Sumpter, Quincy, Florida and Aaron Sumpter, Lake City, Florida.

Fifteen grandsons, a special grandson, Paul Cooley, Sr., Vallejo, California, nine granddaughters, eleven great-grandchildren, a special great grandson, Paul Cooley, Jr., Vallejo, California; a host of other relatives, Solomon Temple Church family and many, many friends.

SERVANT OF GOD, WELL DONE!

Thy glorious warfare's past;
The battle's fought, the race is won,
And thou art crowned at last.

Dr. Sumpter's affiliations, recognition awards, certificates and community services are many and are not listed by request of the family.

TRIBUTE TO THOMAS P. CAMPBELL, JR.—FATHER, GRANDFATHER, SCHOLAR

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KING. Mr. Speaker, I rise today, the historic opening session of the 105th Congress, to pay tribute to Prof. Thomas P. Campbell, Jr., of Waban, MA, an outstanding American and friend of my office who passed away in November after a long illness.

Professor Campbell's life was marked by his extraordinary devotion to his family, his faith, his community, his profession, and his country. He led a life of involvement and accomplishment and was truly the embodiment of the American Dream.

My thoughts and prayers are with Professor Campbell's family. On behalf of every Member of this House, I want to extend good wishes to his wife Anne, sons Tom, Ned, and Jim, daughter Molly, his daughters-in-law and, of course, his four grandchildren. Like Professor Campbell, they demonstrated great courage and dignity during many difficult times in recent months.

Mr. Speaker, at this time, as part of my tribute to Thomas P. Campbell, Jr., I want to offer into the CONGRESSIONAL RECORD an article from the November 13, 1996 edition of the Boston Globe that discusses his many achievements and his lasting legacy.

[From the Boston Globe, Nov. 13, 1996]

THOMAS CAMPBELL JR., PROFESSOR OF LAW AT NORTHEASTERN; AT 58

Thomas P. Campbell Jr., a Northeastern University law professor renowned for his legal scholarship and compassion for students, died of cancer Monday at his home in Newton. He was 58.

Mr. Campbell was a professor at Northeastern since 1970. He was honored by the university with a distinguished teaching award in 1994, and was repeatedly chosen by graduation classes to address them at commencement.

''Tom Campbell will be remembered as the pillar of teaching excellence at this law school,'' Northeastern Law School Dean David Hall said yesterday. He taught property law in a way that students learned what they were supposed to learn.''

Born in Manhattan and raised in White Plains, N.Y., Mr. Campbell attended Brown University and the University of Virginia Law School. He practiced on Wall Street and served as assistant general counsel of the Melville Shoe Corporation prior to his academic career.

Former students yesterday recalled Mr. Campbell's gift for breathing life into arcane and technical legal issues. Behind a stern and stoic visage, they said, lay an elegant sense of humor and infectious love for the law.

''Virtually everyone who ever took a class from him became an admirer,'' said Suffolk District Attorney Ralph C. Martin 2d, who first encountered Mr. Campbell as a first-year law student. ''He had a facility with the law and a way of presenting the law that demystified it. He was just a prince of a guy.''

His property law course, one of the traditional first-year requirements, helped introduce generations of Northeastern students to the rigors of law school.

''He was an absolutely brilliant professor,'' said former dean Dan Givelber. ''Students uniformly adored his teaching. He will be remembered as a beacon of sanity in a confusing first year of law school.''

Mr. Campbell also played an instrumental role in the affairs of the law school outside of the classroom. He set up the first co-op program there in 1970, and spent a year as acting dean in 1992.

He also enjoyed a lifelong involvement with the Boy Scouts of America, receiving the Silver Antelope Award, the highest regional award in scouting.

Colleagues say they saw a new and profound side of Mr. Campbell in recent years as he struggled with illness. He insisted on maintaining his normal course load and drove himself to maintain his lofty standards of scholarship.

''He taught us much more than law,'' said Northwestern associate dean Diane Tsoulas, another former student. ''The phrase I think of for him is 'lion-hearted.' He was incredibly courageous in the face of illness and taught us a great deal about courage and dignity.''

Mr. Campbell leaves his wife of 36 years, Anne (Shanklin); three sons, Thomas P. 3d of Roslindale, Edward S. of London and James D. of Old Town, Maine; a daughter, Margaret A. Campbell of Jamaica Plain; two sisters, C. Gale Brannan of Sussex, England, and Anne C. Lyman of Pund Ridge, N.Y.; and four grandchildren.

A funeral Mass will be said at St. John the Evangelist Church in Wellesley Hills tomorrow at 10 a.m. Burial will be in Newton Cemetery.

MEDICARE DIABETES EDUCATION AND SUPPLIES AMENDMENTS OF 1997

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. FURSE. Mr. Speaker, I rise with my friend Mr. NETHERCUTT of Washington to introduce bipartisan legislation to improve Medicare coverage of outpatient self-management

training and blood testing strips. By helping improve Medicare coverage for Americans with diabetes, we can save untold human suffering and millions of health care dollars.

This legislation is identical to two bills we coauthored in the 104th Congress, H.R. 1073 and H.R. 1074, which were cosponsored by 250 Members of the House. Unfortunately, neither bill was passed before Congress adjourned for the year. Today, we are introducing this landmark diabetes legislation with over 65 original cosponsors and the support of virtually every major diabetes organization in America. In fact, statements of support from seven diabetes organizations will follow this statement. It was the efforts of these organizations which helped build the broad, grassroots support for H.R. 1073 and H.R. 1074 to 250 Members—a clear, bipartisan majority of the House.

Mr. Speaker, my colleagues, we can no longer wait to enact this important legislation. We must pass this bill as soon as possible to help improve the quality of life for the 16 million Americans who have diabetes. I was proud when, last July, every major diabetes organization in the United States came together in Washington for the Diabetes Call to Action! and stood on the steps of the Capitol imploring Congress to pass this legislation.

Another reason for passing this bill as soon as possible is that it saves money. The latest scoring by the Congressional Budget Office demonstrates that this bill will actually save $223 million over 6 years. Improving coverage of outpatient self-management training and blood-testing strips will help reduce costly hospitalizations and complications that result from diabetes. In fact, one statistic last year cited that Congress will lose $500,000 every day it waits to enact this bill.

For families that live with diabetes, the time for waiting is past; the time for enacting this law is now. My beautiful daughter, Amanda has diabetes. My colleague from Washington, Mr. NETHERCUTT, has a daughter with diabetes. We know first hand about this deadly disease and what it means to live with diabetes. I know that if we can help people with diabetes better manage their disease, we will save untold human suffering and the precious health care dollars that are used to treat it.

I ask all my colleagues to cosponsor this bill and urge leadership on both sides of the aisle to agree to schedule this bill for swift action on the House floor.

INTRODUCTION OF THE HOMEOWNERS RELIEF ACT OF 1997

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KELLY. Mr. Speaker, because the American people are looking to us for tax relief, I rise on the first day of the 105th Congress to reintroduce the Homeowners Relief Act of 1997. This initiative, which provides homeowners with relief from capital gains taxation when they sell their home, is identical to legislation that I introduced during their 104th Congress.

This legislation recognizes that a person's home is something more than a simple investment; it's a fundamental part of the American dream, and our Tax Code should reflect this fact. An investment in a home is an investment in your community and in your future. Indeed, for many Americans, the equity built up after many years in a home represents a significant part of their retirement nest egg.

Owning a new home is the dream of young couples starting a new life together, of newly arrived immigrants eager to realize the American dream, and of all people working to build a better life for themselves and their children.

Homeownership is special, Mr. Speaker, and it should occupy a special place in the realm of public policy. The Homeowners Relief Act does just that—any gains from the sale of a principle residence would be exempt from capital gains taxation. Specifically, the bill excludes from taxation the gains from the sale of a principle residence if, during the 7-year period prior to the sale of the residence, the property was owned by the taxpayer and used as the taxpayer's principle residence for 5 or more years.

Current law provides some relief for homeowners, but it doesn't go far enough. Taxpayers may roll the gains from the sale of a home into a new home of equal or greater value, and older Americans can claim a one-time $125,000 exclusion when they sell their principle residence. These exemptions shield some homeowners from capital gains liability, but certain circumstances force many to shoulder a significant capital gains tax bite when they sell their home. Increased home values put many taxpayers, particularly older Americans looking to retire, in the difficult situation of having to pay substantial capital gains taxes. In addition, at a time when corporate downsizing is all too common, often the most substantial asset held by laid-off workers is their home.

The problem is that current law may lock individuals into homes that they might wish to sell. Those individuals who can afford to purchase a more expensive home can postpone capital gains liability, while those who need to move to more modest accommodations, because their economic circumstances warrant doing so, must pay a tax.

Mr. Speaker, by passing this legislation, Congress will give homeowners needed relief from this inequity, and will put recognition in the Tax Code of the special status of the home. I urge my colleagues to join me in supporting the Homeowners Relief Act of 1997.

THE INTRODUCTION OF THE POSTAL REFORM ACT OF 1997

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McHUGH. Mr. Speaker, today I am reintroducing legislation to reform the U.S. Postal Service. The Postal Reform Act of 1997 is substantially identical to H.R. 3717 which I introduced in the 104th Congress and continues to represent the first comprehensive reform effort involving the U.S. Postal Service since its formation in 1970.

When I introduced this measure in the previous Congress, I intended to make clear that this legislation represented the first step in a lengthy legislative process aimed at ensuring the future existence and financial viability of the United States Postal Service. The legislation was the subject of four extensive hearings during the 104th Congress and I plan to continue the hearing process into this new year. This legislation, as introduced, is substantially identical to the former H.R. 3717 as considered during the previous Congress. Any differences between this measure and its predecessor reflect the legislative reform enacted into law at the close of last year's legislative session. I again emphasize that the reintroduction of this measure represents my commitment to facilitating the reform process with all areas of the legislation subject to review. Consequently, I encourage those with interests in the legislation to continue to engage the Subcommittee in a constructive manner as the legislative process continues.

During the 104th Congress the Subcommittee on the Postal Service, which I chair, conducted indepth and lengthy hearings on the U.S. Postal Service and the issue of postal reform. During the oversight phase of our hearings we heard from more than 60 witnesses representing all facets of the postal community. Further, I had the opportunity to meet with a variety of individual postal customers, postal employees, and business leaders regarding these matters. I attempted to listen and absorb the comments and interests put forth on and off the record during those meetings and address them with the introduction of H.R. 3717 on June 25, 1996.

Continuing with the Subcommittee's desire to receive the full range of public comments we held four hearings last year specifically on H.R. 3717 and the issue of postal reform. Witnesses at these sessions ran the gamut from the Postmaster General; Chairman of the Postal Rate Commission; representatives of the direct mail and newspaper industries; private sector business partners; employee unions and associations, and for the first time, the Chief Executive Officers of the two largest private sector competitors of the USPS, Federal Express, and United Parcel Service.

One thing became clear as we conducted our oversight functions and met with interested parties: that 26 years after the establishment of the United States Postal Service, postal customers across the spectrum want to maintain a viable universal mail delivery system. To achieve this goal, Congress must revisit the legislative infrastructure of the Postal Service to assist it in meeting the changing market conditions and advances in communications technology.

Maintenance of a universal postal system must be the cornerstone of any postal reform measure. I strongly believe universal service at reasonable rates remains the primary mission of the U.S. Postal Service. However, shifting mail volumes and stagnant postal revenue growth require Congress to reexamine the statutory structure under which our current postal system now operates if we are to maintain this important public service mission.

During the conduct of our oversight hearings, the Subcommittee heard many witnesses describe means of communications that were not imaginable in 1970. At that time, who could have foreseen the explosion of personal computers, the Internet and facsimile machines in our everyday lives? There has been a steady erosion of what used to be personal correspondence, protected by the postal monopoly, moving through the U.S. Mail that now moves electronically or via carriage by a number of private urgent mail carriers.

According to Reports of the General Accounting Office, the U.S. Postal Service controlled virtually all of the Express Mail market in the early 1970's; by 1995 its share had dropped to approximately 13 percent. Similarly, the Postal Service is moving considerably fewer parcels today than 25 years ago. In 1971 the Postal Service handled 536 million parcel pieces and enjoyed a 65 percent share of the ground surface delivery market. Compare this to 1990 when the Postal Service parcel volume had dropped to 122 million pieces with a resulting market share of about 6 percent.

Even the Postal Service's ''bread and butter'' mail, first-class financial transactions and personal correspondence mail, is beginning to show the effect of electronic alternatives. Financial institutions are promoting computer software to consumers as a method of conducting their billpaying and general banking, while Internet service providers and online subscription services are offering consumers the ability to send electronic messages to anyone around the world or just around the corner. Similarly, many of us have become accustomed to the immediacy of the facsimile machine. These new communication technologies all carry correspondence that formerly flowed through the Postal Service. These former sources of revenues supported a postal infrastructure dedicated to the mission of universal service.

This shift in postal revenues will have a negative long-term effect on the financial well being of the Postal Service. Should the Service continue to labor under the parameters established by the 1970 Act, its inability to compete, develop new products and respond to changing market conditions jeopardizes its future ability to provide universal service to the diverse geographic areas of our Nation. We must make adjustments to the Postal Reorganization Act of 1970 which will allow the Postal Service more flexibility in those areas in which it faces competition while assuring all postal customers of a continued universal mail service with the protection of reasonable rates that can be easily calculated and predicted. My legislation attempts to meet this goal by replacing the zero-sum game that has driven postal ratemaking for the last 25 years with a system that reflects today's changing communication markets.

Mr. Speaker, I propose to allow the U.S. Postal Service the opportunity to make a profit and remove the break-even financial mandate of existing law that promotes the wide, yearly, swings of postal profit and deficit and weeks of negotiations on arcane economic assumptions for ratemaking purposes.

I propose to divide the product offerings of the Postal Service into two primary categories. The first, the ''non-competitive mail'' category, represents all single piece letters, cards and parcels as well as those classes of users without significant alternatives. The class will utilize a postage rate ''cap'' process by which the associated customers can easily determine postal rates. The second category will be the ''competitive mail'' category and will include those mail classes, products and services the Postal Service provides through the competitive marketplace. Within the category the Postal Service may set its rates according to market forces subject to an annual audit provided to the Postal Rate Commission to assure that rates are reflective of costs while providing a contribution to the overhead of the U.S. Postal Service. In addition, it would allow the Postal Service freedom to experiment with new offerings for a period of three years before requiring the Postal Rate Commission to permanently place it in either the competitive or noncompetitive mail categories.

This legislation grants significant freedom and flexibility to the Postal Service. Consequently, other changes are needed to reflect this status. I propose to attempt to level the playing field by changing the relationship between the U.S. Postal Service and the U.S. Treasury. Several postal competitors view financial access to the Treasury as an unfair advantage of the Postal Service, while the Postal Service views it as a restriction on its financial flexibility. Similarly, I propose to apply the anti-trust laws of our nation to the Postal Service products offered in either the competitive mail or the experimental market test categories. I am also proposing that the Postal Service conduct a demonstration project that will provide us with the data needed to determine the continued necessity of providing the Postal Service with sole access to individual private mailboxes.

Mr. Speaker, last Congress when I introduced my bill I included a provision intended to settle once and for all the nagging problem of an agency's chief law enforcement officer and member of postal management serving as its Inspector General by establishing an independent Inspector General for the Postal Service. A provision of Public Law 104–208, adopted in the closing days of the 104th Congress, addressed that issue by mandating the establishment of an independent office of the Inspector General. The Subcommittee is monitoring the progress of this office and has high expectations for this new Inspector General.

Also, the bill directs stringent reporting requirements to the Congress and to the U.S. Postal Rate Commission by providing the Commission with the ability to issue subpoenas, manage proprietary documentation and procure necessary information. This legislation places significant responsibilities on the Commission and, reflective of that, directs that the Commission will have for the first time its own Inspector General.

My proposal, Mr. Speaker, also increases the penalties for repeated mailings of unsolicited sexually oriented advertising as well as the mailing of hazardous materials and controlled substances. It protects workers on the job by making it a felony to stalk, assault or rob a postal employee. Just this past month we saw a letter carrier killed while on duty in our nation's capital and we cannot allow those that would harm or rob postal carriers to go without significant punishment. My proposal addresses this serious situation by increasing the penalties for such acts of violence.

I stress that significant areas of current law remain intact. This legislation does not affect the existing collective-bargaining process. However, the Subcommittee recognizes that serious problems exist between postal management and labor. To address this dire situation, I propose to form a Presidentially appointed Commission made up of non-postal union and corporate representatives as well as those well known in the field of labor-management relations. The Commission would be charged with addressing these issues in detail and provide guidance to the Congress and the Postal Service on any needed changes.

Mr. Speaker, this bill is, indeed, far-reaching in its scope. Some have said there is no consensus for reform while others have requested reform, due to the fact that the USPS has had two years of financial success and high delivery satisfaction numbers. My response is that this is precisely the time to consider this issue.

Reforms of this scope and magnitude are best enacted outside an atmosphere of crisis. Our failure to consider these reforms in a timely manner will leave the Postal Service ill-equipped to operate in a 21st Century environment. Without such action, Congress and the Postal Service will ultimately face conditions where thoughtful reforms and a deliberative process will be unachievable.

Mr. Speaker, my bill offers the Postal Service, its customers and employees—and the American people—the opportunity to equip one of our Nation's most valued institutions with the requisite tools to remain a viable and fiscally sound entity well into the next century.

INTRODUCTION OF THE WORKING FAMILIES FLEXIBILITY ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BALLENGER. Mr. Speaker, I am joined today by many of my colleagues in the introduction of the Working Families Flexibility Act which would allow private sector employers to provide their employees with the choice of taking time-and-a-half compensatory time as payment for overtime in lieu of cash wages. This legislation is family friendly and answers the call of many workers for increased flexibility and choices in the workplace.

The Fair Labor Standards Act, which governs wages and hours of work, was written nearly 60 years ago for a predominantly male work force and a workplace primarily comprised of manufacturing firms. Yet, the demographics today are dramatically different. Sixty percent of women are employed outside of the home and two-earner families have become increasingly common.

The Fair Labor Standards Act, however, fails to recognize these changes and, as such, restricts the ability of employers to meet the needs of their work force. Many employees are finding it increasingly difficult to find enough time for important family obligations or outside interests, making receiving compensatory time instead of cash overtime an attractive option. Seventy-five percent of respondents in a national public opinion survey favored giving employees the option of receiving time off instead of cash wages for overtime hours worked.

Many employers who want to be family friendly find that flexible scheduling can be extremely difficult for employees who are paid by the hour and covered by the overtime provisions in the law. Suppose an employee has a terminally ill parent who lives several States away. Days off with pay can become precious for that employee when a 2-day weekend does not provide enough time to travel and spend time with that parent. When that employee works a few hours of overtime each week, he or she may prefer to be paid with time off rather than with cash wages. If the individual is employed in the public sector, then

he or she would have the choice of receiving paid time off in lieu of cash wages for overtime hours worked. However, under current Federal law, if the individual is employed in the private sector then he or she cannot choose paid time off, even if that form of compensation is preferred.

The Working Families Flexibility Act would allow employers to make compensatory time available as an option for employees. Employees would have the choice, through an agreement with the employer, to take overtime pay in the form of paid time off. As with overtime pay, the compensatory time would accrue at a rate of time-and-a-half.

Opponents of the Working Families Flexibility Act have raised concerns about employees being coerced by employers into choosing compensatory time over cash wages. Thus, the legislation includes numerous protections to ensure that employees cannot be pressured into one choice or the other.

Employees could accrue up to 240 hours of compensatory time within a 12-month period. The legislation would require the employer to annually cash-out any unused, compensatory time accrued by the employee.

Employees could choose when to take accrued compensatory time, so long as its use does not unduly disrupt the operations of the business (the same standard used in the public sector and under the Family and Medical Leave Act.) Employers would be prohibited from requiring employees to take accrued time solely at the convenience of the employer.

At any time, an employee could withdraw from a compensatory time agreement with their employer or request a cash-out of any or all accrued, unused compensatory time. The employer would have 30 days in which to comply with the request. The legislation would also require an employer to provide the employee with at least 30 days notice prior to cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering compensatory time.

This legislation does not eliminate or change the traditional 40-hour work week. It simply provides employees with another option in the workplace—time off instead of overtime pay. This concept may be revolutionary to some, but to America's workers, who are increasingly frustrated about coping with the demands of work and family responsibilities, it is a long overdue change.

I urge my colleagues to respond to the needs of America's workers by supporting the Working Families Flexibility Act.

KEEP THE NAME AS DEVILS TOWER

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. CUBIN. Mr. Speaker, today I am introducing legislation to ensure that the name of Devils Tower National Monument remain unchanged. I introduced this bill during the 104th Congress and since that time I have received numerous positive comments and support from constituents from around the Devils Tower area. In fact, my office has received a petition with an estimated 2,000 names from not only those in and around the monument but from all over the country of those concerned with changing the name of this beloved landmark.

For more than 100 years the name ''Devils Tower'' has applied to the geologic formation in my State and has since appeared as such on maps in Wyoming and nationwide. The name was given to the monument by a scientific team, directed by Gen. George Custer and escorted by Col. Richard Dodge in 1875, and is universally recognized as an important landmark that distinguishes the northeastern part of Wyoming. The monument has brought a vital tourist industry to that portion of the State due to its unique character and structure.

According to a July 17, 1996, release by the U.S. Board on Geographic Names, the National Park Service has advised the board that several native American groups do intend to submit a proposal, if one has not already been submitted, to change the name of the monument. On September 4–6, 1996, the superintendent of Devils Tower, Deborah Liggett, gave a presentation at the Western States Geographic Names Conference in Salt Lake City, UT, giving the native American perspective.

During a July 1, 1996, meeting with Ms. Liggett she gave me her assurance that she had no intention of proposing a name change for the monument, and made it clear to me that no one else was in the process of initiating a name change. The legislation that I am introducing today on behalf of the State of Wyoming will ensure that the name of the geological formation, historically known as Devils Tower, remain unchanged.

It is my belief and the belief of hundreds of people from around the region that a name change will only bring economic hardship to the tourist industry in the area. I cannot and will not stand idly by and allow that to happen. I commend this bill to my colleagues and urge them to join me in cosponsoring it.

A BEACON-OF-HOPE FOR ALL AMERICANS: ASQUITH REID

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Asquith Reid is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. While Asquith Reid has served as an electrical engineer employed with the telephone industry, most of his time is spent as a political engineer. He has guided campaigns for district 18 school board candidates; for Assemblyman Nick Perry; Councilwoman Una Clark; and Congressman MAJOR R. OWENS.

Mr. Reid's most recent victory was the triumphant election of John Sampson for New York State Senator. Undoubtedly, Mr. Reid's political engineering has yet to reach its peak.

Throughout the years, Asquith Reid has worked diligently in top positions to the benefit of his community. He currently serves as chairman of the New Era Democratic Club; vice chair of District 17 Neighborhood Advisory Board; board member for the Husain Institute of Technology; and president of the Donna Reid Memorial Education Fund.

Mr. Reid was born in Hanover, Jamaica. He graduated from Kingston Technical High School and served in the U.S. Air Force from 1963 to 1967. He later graduated from Kingston Technical College with a degree in electrical engineering. Asquith and his wife, Dean, are the proud parents of two children, Michelle and Sharon.

Asquith Reid is a Beacon-of-Hope for central Brooklyn and for all Americans.

INTRODUCTION OF THE BREAST CANCER PATIENT PROTECTION ACT OF 1997

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. DELAURO. Mr. Speaker, I rise today to introduce the bipartisan Breast Cancer Patient Protection Act of 1997. I want to thank my colleagues Representatives DINGELL, ROUKEMA, ACKERMAN, THOMAS, BARRETT, BENTSEN, CORRINE BROWN, SHERROD BROWN, CLAYTON, CLEMENT, CONYERS, DEFAZIO, ESHOO, EVANS, FALEOMAVAEGA, FARR, FOGLIETTA, JON FOX, FRANK, FROST, GEJDENSON, GONZALEZ, GORDON, GREEN, HINCHEY, PATRICK KENNEDY, KENNELLY, KILDEE, LAFALCE, LOWEY, MCDERMOTT, CAROLYN MALONEY, CARRIE MEEK, PATSY MINK, JAMES MORAN, MORELLA, MURTHA, NADLER, NORTON, OBERSTAR, OLVER, OWENS, PALLONE, PAYNE, PELOSI, QUINN, RAHALL, RIVERS, SANDERS, SLAUGHTER, TOWNS, and VELAZQUEZ for joining me as original cosponsors.

As an active participant in the fight for health care reform, I continue to believe that we must reform the health care system to provide quality care for all Americans. Particularly important is ensuring that women receive equitable treatment in our nation's health care system.

This year, approximately 184,300 grandmothers, mothers, and daughters will be diagnosed with invasive breast cancer. Another 44,300 women will die from this disease. With one in every eight women developing breast cancer, virtually every family in America is vulnerable to this disease. That's why today I am filing a bill that sets a minimum length hospital stay for patients undergoing breast cancer treatment. This bill would require a minimum

hospital stay of 48 hours for mastectomies and 24 hours for lymph node removals.

Standard surgical treatment for breast cancer includes mastectomy, lymph node dissection, and lumpectomy. Over the least ten years, the length of hospitalization for patients undergoing mastectomies has dwindled significantly from 4–6 to 2–3 days. In the past, patients undergoing lymph node dissections generally were hospitalized for 2–3 days. Hospitalization is essential for pain control and for the management of fluid drainage from the operative site. The less tangible, but still important benefit of hospitalization is to provide a supportive surrounding for the patient to address the psychological and emotional reactions to having breast cancer, such as depression, anxiety, and hostility.

Now, under incessant pressure from managed care organizations to reduce costs, surgeons have had to perform lymph node dissections and even mastectomies as outpatient surgery. Some health maintenance organizations [HMO's] send their patients home a few hours after their surgery groggy from anesthesia, in pain, and with drainage tubes still in place. Others even deny women hospitalizations on the day of their lymph node dissection or mastectomy, making the surgeon choose between giving the patient the individual care she needs or being penalized by the HMO for not following its guidelines. Doctors, concerned for their patients' well-being, even find themselves locked in battle with HMO's. One doctor in my district had to spend over 7 hours—not in surgery treating women for breast cancer—but rather making phone calls pleading with HMO staff members to get a mastectomy patient admitted to the hospital for 24 hours.

The guidelines that many managed care companies are using today are written by a single actuarial consulting firm. And, while a few physicians are employed by this company, none are actively performing breast cancer surgery. These guidelines are designed to fit the ideal breast cancer surgery patient that is placed in the most optimal situation. However, both the American College of Surgeons and the American Medical Association believe that most patients can not satisfy these guidelines and will require a longer length of stay. Today, HMO's base their coverage on the recommendations of health care actuaries, not on those of surgeons who care for patients day in and day out. And the guidelines they use to do it are based on the bottom line, not on medically established standards of care.

That is simply unacceptable. Accepted practice has shown that victims of breast cancer need to remain in the hospital at least 48 hours after a mastectomy and 24 hours after a lymph node dissection. This legislation would ensure that women with breast cancer receive the medical attention they need and deserve. My bill ensures that health plans which provide medical and surgical benefits for the treatment of breast cancer provide a minimum length of hospital stay of 48 hours for patients undergoing mastectomies and 24 hours for those undergoing lymph node removals. Under this bill, physicians and patients, not insurance companies, can determine if a shorter period of hospital stay is appropriate.

Beginning on the first day of the 105th Congress, with this bipartisan bill, we can ensure that women with breast cancer receive the best treatment and coverage available. And, we can ensure that crucial health care decisions are left in the hands of doctors, and not accountants.

This legislation enjoys strong support from the National Breast Cancer Coalition, the National Association of Breast Care Organizations, the Y-Me National Breast Cancer Organization, the Families USA Foundation, the Women's Legal Defense Fund, and the American Society of Plastic and Reconstructive Surgeons, as well as from women across the country from Wisconsin to California to New Hampshire. I strongly urge all of my colleagues to endorse this widely-supported bipartisan effort to help ensure that American women who have breast cancer receive the comprehensive and equitable health care coverage they deserve.

PROTECT OUR FLAG

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of our Nation's flag. The flag is a revered symbol of America's great tradition of liberty and democratic government, and it ought to be protected from acts of desecration that diminish us all.

As you know, there have been several attempts to outlaw by statute the desecration of the flag. Both Congress and State legislatures have passed such measures in recent years, only to be overruled later by decisions of the Supreme Court. It is clear that nothing short of an amendment to the Constitution will ensure that Old Glory has the complete and unqualified protection of the law.

The most common objection to this kind of amendment is that it unduly infringes on the freedom of speech. However, this objection disregards the fact that our freedoms are not practiced beyond the bounds of common sense and reason. As is often the case, there are reasonable exceptions to the freedom of speech, such as libel, obscenity, trademarks, and the like. Desecration of the flag is this kind of act, something that goes well beyond the legitimate exercising of a right. It is a wholly disgraceful and unacceptable form of behavior, an affront to the proud heritage and tradition of America.

Make no mistake, this constitutional amendment should be at the very top of the agenda of this Congress. We owe it to every citizen of this country, and particularly to those brave men and women who have stood in harm's way so that the flag and what it stands for might endure. I urge this body to take a strong stand for what is right and ensure the protection of our flag.

INTRODUCTION OF CLEAN SWEEP ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLING. Mr. Speaker, today I am introducing the ''Clean Sweep Act of 1997'' which is intended to bring fiscal sanity back to our nation's campaign financing system. In 1994, congressional candidates spent close to $725 million to be elected to the U.S. Congress. This is nearly $610 million more than candidates spent in 1976 and 60 percent more than the 1990 congressional election. Corporation and union Political Action Committee (PAC) contributions made up 27 percent of this total in 1994.

While the final tally for campaign spending in the most recent election cycle is not yet known, Common Cause, a campaign finance reform advocacy group, has estimated that the cost of the 1996 presidential and congressional elections may reach nearly $2 billion. PAC contributions from corporations have been estimated at over $150 million, while union PACs have been reported between $150 to $500 million. We cannot allow special interest to buy influence in Congress.

Mr. Speaker, the ''Clean Sweep Act'' requires that at least half of a candidate's contributors come from within the district; prohibits the acceptance of Political Action Committee (PAC) money; limits a candidate's personal contributions to his or her own campaign to $50,000 per election cycle; prohibits the use of soft money; provides free broadcasting for candidates who comply with a voluntary spending limit of $600,000; assesses monetary penalties for candidates who exceed spending limits; prohibits all individual foreign contributions; prohibits cash contributions in federal elections; prohibits unsolicited franking within 90 days of a primary or general election; and requires Congress to evaluate the effects of campaign finance reform within 3 months of the first full election cycle after enactment of this bill.

The greatest deliberating body in the world belongs to the American people, not corporate or union bosses in Washington, D.C. It is our civic duty as elected officials, who are responsible to the American people, to send a clear message to special interest groups that we will not be bought. We must restore integrity and honesty to a system that has contributed to increased cynicism of government and historic low voter turnout.

Mr. Speaker, I am proud to stand before you today to say that in my 22 years of service in the United States House of Representatives, I have not taken a single penny of PAC money. The people of the 19th District of Pennsylvania have awarded me the opportunity to represent them for over two decades because I put their interests ahead of special interest. My standing here today is proof that big money is not a prerequisite to holding a seat in Congress.

Mr. Speaker, reform of our campaign finance system is sorely needed. I urge my colleagues to cosponsor this legislation which will reduce the cost of campaign financing and restore faith in the federal election process.

STATEMENT OF CONGRESSMAN CHARLES B. RANGEL, RONALD BROWN BUILDING, DESIGNATION BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RANGEL. Mr. Speaker, I am pleased to introduce legislation designating the Federal

building located at 290 Broadway in New York, NY, as the Ronald H. Brown Federal Building.

Ronald H. Brown, the first African-American Secretary of Commerce, was an extraordinary statesman whose force, competence and sheer commitment forged new ground for U.S. commerce. The ultimate sacrifice of his life in exceptional service to his country is further testimony to his leadership and passion for economic development and opportunity at home and abroad.

Ronald H. Brown loved this country and represented the best that America has to offer. he was a compassionate advocate for civil rights; a bridge builder mending the divisions of race, religion and cultures; a mentor developing young talent and extending the ladder of opportunity to a new generation of leaders; and, indeed an extraordinary public servant and leader.

His life was one marked by an outstanding record of accomplishment and service to America. He served as Army Captain; Vice President of the National Urban League; Chief Counsel to the Senate Judiciary Committee; a distinguished attorney; Chairman of the Democratic National Committee; a trusted advisor to the President of the United States; a husband; a father; and, a friend.

The designation of this building, home to Federal agencies and site of the recently discovered African-American slave burial ground, would honor Ron Brown's service and memory. This designation would serve as an inspiration and reminder to all Americans of Ron Brown's contributions and the noble cause for which he sacrificed his life.

INTRODUCTION OF THE TAX EXEMPTION ACCOUNTABILITY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MENENDEZ. Mr. Speaker, today, I am introducing the Tax Exemption Accountability Act to stop self-dealing by the managers of tax exempt organizations and put teeth into the requirement that they file accurate annual returns with the IRS and make them available to the public. It creates a national clearinghouse offering copies of returns for a reasonable fee. The bill also caps the compensation of officers and directors at the level of U.S. cabinet members. Churches would continue to be exempt from filing IRS returns and from caps on pastors' salaries and hospitals could still pay high-cost professionals.

Given the current events, we need greater accountability by tax exempt organizations because they control substantial public wealth and offer temptation that some have been unable to resist manipulating. The share of national revenues going to tax exempts has nearly doubled in the past 15 years, growing to 8 percent per year in constant dollars. The IRS reports that revenues of tax exempts rose from 5.9 percent to 10.4 percent of the U.S. gross domestic product from 1975 to 1990. Those revenues totaled $578 billion in 1990. This contrasts with taxable revenues from service industries which had receipts of $1,174 billion. Tax exempts equal more than half of the revenue of all service sector industries and pay no tax. Clearly the opportunity for abuse is enormous.

The American people are the most generous people in the world. My bill will ensure that this generosity is not abused and profitable business activity is not diverting taxable revenue through manipulating charitable exemptions.

220TH ANNIVERSARY OF THE FOUNDING OF THE U.S. CALVARY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KENNELLY. Mr. Speaker, I rise to recognize the 220th anniversary of the U.S. Calvary, celebrated last December.

On December 16, 1776, in the town of Wethersfield, CT, Revolutionary troops were organized as the 1st Calvary Regiment in the Continental Army under orders of the First Continental Congress. Today, the town of Wethersfield, located in the First Congressional District, is proud to be honored as the birthplace of the U.S. Calvary.

Recognized by the U.S. Army's Center of Military History, Sheldon's Horse, 2d Continental Light Dragoons, were organized in Wethersfield. This was the first dragoon regiment to be organized directly into the Continental Army. Training grounds for this regiment were erected by a Wethersfield resident, Capt. Benjamin Tallmadge. This regiment made several key contributions in the Revolutionary War effort by participating in combat in northern New Jersey and at the defense of Philadelphia.

The U.S. Calvary that had its origins in Wethersfield continued to serve our Nation long after the war ended, fighting epic battles at Brandy Station during the Civil War and the Punity Expedition before World War I.

The founding of the U.S. Calvary is just one example of the important role that the town of Wethersfield has played in securing and preserving America's independence. From the historic Webb House, where Gen. George Washington met with Comte de Rochambeau to discuss strategies for the Battle of Yorktown, to the modern development of the Silas Deane Highway, the quaintness of Wethersfield is intermingled with the heroic greatness represented by the U.S. Calvary.

The U.S. Calvary, historically headquartered in Fort Riley, KS, will be forever linked with Wethersfield and the First Congressional District. I applaud the efforts of the friends and residents of the town of Wethersfield who have brought this significant part of American history the recognition it greatly deserves.

INTRODUCTION OF CAPITAL GAINS TAX PROPOSAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation, the Middle Class Income Tax Relief Act of 1997, which provides a capital gains tax cut for working class Americans. This legislation provides a lifetime capital gains bank of $200,000. Any taxpayer throughout the person's lifetime would have a capital gains bank of $200,000. Under this legislation, a taxpayer could exclude up to 50 percent of the gain on the sale of a capital asset, up to the limit in the maximum tax rate of 19.8 percent.

The benefit of lifetime capital gains tax bank would phase out as a taxpayer's income increases above $200,000. Under this legislation individuals who sold stocks saved for retirement or a second home, or elderly individuals, who have a large gain in the sale of their principal residence, would benefit. The proposal includes a 3-year holding period for the capital asset. Short-term stock speculators would not be able to qualify for the benefit.

In addition, the bill allows taxpayers to index the cost of real estate for inflation. An inflation-induced gain is not a capital gain and should not be subject to tax.

Lately, there has been much said about the necessity and benefits of a capital gain tax cut. A capital gains tax cut is a valid measure, but a capital gains tax needs to be economically feasible and to benefit the middle-class. A capital gains tax cut needs to be responsible. I believe the Middle Income Tax Relief Act of 1997 provides an appropriate capital gains tax cut.

Mr. Speaker, I insert a summary for the RECORD.

SUMMARY OF MIDDLE INCOME TAX RELIEF ACT OF 1997

Individuals would have a lifetime capital gains ''bank.''

Bank limit would be $200,000 per person.

All individuals would be entitled to the $200,000 bank: for example each spouse of a married couple would have a separate limit.

Any individual who sold a qualified asset could exclude up to 50 percent of the gain on the sale, up to the $200,000 limit.

Qualified assets would include all capital assets under the present law, except collectibles.

Under the bill, the maximum tax rate on capital gains income would be 19.8 percent (i.e. ½ of the maximum 39.6 percent rate).

The full benefit would not be available in any year that a taxpayer had adjusted gross income in excess of $200,000.

In the case of a sale or exchange of real property, taxpayers would be able to index their basis in the asset to the rate of inflation. Thus, no tax on inflation-induced gains.

Example: taxpayer buys a house for $100,000 and sells it 9 years later for $200,000. Inflation was 5 percent per year over the 9-year period. Basis for measuring gain is $145,000 so gain is $55,000.

A three year holding period would apply so that the deduction would not be available to any taxpayer who held the asset for less than 3 years.

CONGRATULATIONS TO MR. ALEJANDRO AQUIRRE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I want to extend my congratulations to Mr. Alejandro Aguirre, deputy editor and publisher of Diario Las Americas, on his being named as chairman of the Metro-Dade Cultural Affairs Council.

In this position he will have the opportunity to expand support for this entire range of south Florida's cultural life. As in so many communities, the council faces the task of providing first rate art and entertainment at prices that allow the broadest rage of the community to share in the experience.

In his new role, Mr. Aguirre will have the opportunity to inject into the arts community the same energy and enthusiasm he has brought to Diarro Las Americas and his other civic involvements. Those other involvements range from the Red Cross and Florida International University to defense of press freedoms as a leader in the Inter American Press Association which represents 1,400 newspapers throughout this hemisphere.

It is difficult to overstate the importance of art and culture to the enjoyment of life. As Cuban poet and patriot, Jose Marti, said, ''beauty is a natural right * * * where it appears, light, strength and happiness arise.'' We are all too aware of the problems that mark urban life. But one of the joys of an area like south Florida is the broad and diverse cultural life that it can support.

Again, congratulations to Mr. Alejandro Aguirre on his new responsibilities and best wishes for a successful and satisfying tenure.

INTRODUCTION OF THE FOREST FOUNDATION CONSERVATION ACT

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BAKER. Mr. Speaker, today, I have introduced the Forest Foundation Conservation Act.

The Forest Foundation Conservation Act will amend the National Forest Foundation Act to extend and increase the matching funds authorized for the National Forest Foundation and to permit the National Forest Foundation to license the use of trademarks, tradenames, and other such devices to identify that a person is an official sponsor or supporter of the U.S. Forest Service or the National Forest System.

Our Nation has been blessed with a national treasure—America's national forest lands. A growing population, increasing demands on forests and related resources, and more competition for uses and benefits are placing great stress on our forest lands and the U.S. Forest Service.

Now, more than ever, America's forest lands and the individuals who work so diligently to manage these forest lands need support from people who care. The National Forest Foundation, a citizen-directed, nonprofit organization, was created to coordinate the needed support. The Forest Foundation Conservation Act will allow the National Forest Foundation to develop innovative public-private partnerships so that America's pristine forest land and its resources will be conserved for future generations.

I believe that it is the responsibility of each citizen to help conserve our Nation's resources and provide organizations like the National Forest Foundation with the resources it needs to help maintain America's forest lands for generations to come. I hope that my colleagues will join me in supporting this legislation which will help us improve the quality and infrastructure of our National Forests.

TRIBUTE TO NEW YORK SPEAKER SHELDON SILVER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. MALONEY of New York. Mr. Speaker, today the 105th Congress begins. While there is much talk swirling in the Capitol Hill air about the Speaker, I want to rise and pay tribute to my Speaker, New York Speaker Sheldon Silver.

On Sunday, January 5, 1997, Speaker Silver received a well-deserved award at the silver anniversary of one of New York City's outstanding community groups, the United Jewish Council of the east side. I am proud to represent the diverse and vibrant neighborhood of the lower east side, and prouder still of the magnificent contributions made to the community by the UJC. The UJC currently administers a variety of social services to over 16,000 residents. From senior centers, to housing, to nutrition programs, to immigrant assistance, the UJC's contributions to the quality of life in our city are without limit.

Mr. Speaker, space prohibits me from congratulating the entire leadership of the UJC, but I want to commend Rabbi Yitzchok Singer, Heshy Jacob, David Weinberger, Joel Kaplan, and Judy and Willie Rapfogel for all that they have done for this special neighborhood.

The lower east side simply would not be the same without Sheldon Silver. Born, raised, and educated in the neighborhood, Shelly graduated from Yeshiva University and Brooklyn Law School. In 1976, Shelly began his stellar career in public service when he was elected to the assembly. After serving in the prestigious leadership posts of chairman of the election law and then the ways and means committees, Shelly ascended to the Speakership in 1994, where he now sits as the most influential Democrat in the State of New York.

Sheldon Silver's tenure as Speaker has been marked by extraordinary success. He has made his mark on criminal justice, welfare, and education issues, and has remained a powerful and articulate advocate for New York's working and middle class families.

It has been an extraordinary honor for me to serve side by side with Speaker Silver, representing the lower east side community. Shelly is a man of principle and honor. His ethical and moral world view is shaped by his deep religious convictions, but he is also a friend to New Yorkers of every race, religion, and ethnic background. If I could borrow one word from Shelly's own Yiddish vocabulary, I would have to summarize his many attributes by calling him a ''mensch.''

Mr. Speaker, as Congress beings a new session, I ask all of my colleagues to join me in paying tribute to one of our Nation's outstanding public officials, my Speaker, the Honorable Sheldon Silver.

CAMPAIGN AND LOBBYING REFORMS IN FIRST 100 DAYS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. KAPTUR. Mr. Speaker, we must dedicate our efforts within the first 100 days of the 105th Congress to passing comprehensive campaign finance and foreign lobbying reform legislation.

The events of the last election, with the worsening situation of foreign influence and the continuing flood of campaign contributions and expenditures, compel us to act. Now is the time.

Just as in past Congresses, I am once again introducing legislation calling for a constitutional amendment authorizing Congress and the States to set reasonable expenditure limits for elections to Federal and State office. It is simply wrong to equate campaign money with free speech. The only way to limit the exorbitant levels of money being spent on campaigns is through a constitutional amendment.

In addition, I'm proposing once again legislation to stop foreign contributions and influence, as was witnessed in the closing weeks of the elections. My bill creates a clearinghouse of political activities information within the F.E.C.

Finally, we must end the revolving door between Government service and lobbying for foreign interests. My ''Foreign Agents Compulsory Ethics in Trade Act'' measure will impose a lifetime ban on high-level Government officials from representing, aiding or advising foreign governments and foreign political parties. The act also imposes a 5-year prohibition on representing, aiding or advising foreign interests—including commercial interests—before the Government of the United States.

Mr. Speaker, we should make it our goal to adopt these reforms within the first 100 days of the 105th Congress.

THE MANAGED CARE CONSUMER PROTECTION ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STARK. Mr. Speaker, along with Mr. JOHN LEWIS, Mr. GEJDENSON, Mr. SERRANO, Mr. SANDERS, and Mr. FILNER, I am pleased to introduce ''The Managed Care Consumer Protection Act of 1997,'' a bill that will provide critically needed consumer protections to millions of Americans in managed care health plans.

Health care consumers who entrust their lives to managed care plans have consistently found that many plans are more interested in profits than in providing appropriate care. In the process of containing costs patients are often harmed. My constituent mail has been full of horror stories explaining the abuses that occur at the hands of HMOs and other forms of managed care.

For example, David Ching of Fremont, California had a positive experience in a Kaiser Permanente plan and then joined an employer sponsored HMO expecting similar service. He

soon learned that some plans would rather let patients die than authorize appropriate treatment. His wife developed colon cancer, but went undiagnosed for 3 months after the first symptoms. Her physician refused to make the appropriate specialist referral because of financial incentives and could not discuss proper treatment because of the health plan's policy. Mrs. Ching is now dead.

In a similar case, Jennifer Pruitt of Oakland wrote to me about her father who also had cancer. He went to his gatekeeper primary care physician numerous times with pain in his jaw. The doctor, who later admitted that she had never treated a cancer patient, refused to refer Mr. Pruitt to a specialist. Eventually, after months of pain, a dentist sent Mr. Pruitt to a specialist outside of the HMO network. The cancer was finally diagnosed, but it had spread too rapidly during the months that the health plan delayed. Mr. Pruitt died from a cancer that is very treatable if detected early.

These tragedies and others like them might have been avoided if the patients had known about the financial incentives not to treat, or if the physicians had not been gagged from discussing treatment options, or if there had been legislation forcing health plans to provide timely grievance procedures and timely access to care. It's too late for these victims, but it is not too late to provide these protections for the millions of people in managed care today.

Consumer protections in managed care must be developed. Such unfavorable outcomes are not isolated events. They are widespread enough for industry studies to have noted a trend. Empirical evidence shows that restrictive practices pose special risks for people with chronic illnesses and poor health, and that primary care physicians in HMOs are less likely to diagnose or treat patients with depressive disorders appropriately. Another study concluded that the successes of prepaid care in relatively healthy populations are unlikely to be replicated among sicker patients. All this evidence indicates that managed care is not doing its job as well as it should. Those who are ill and most need health care are not getting it.

A few years ago, Congress recognized a crisis in the health care industry. Expenditures were soaring and overutilization was the rule. At that time, I chose to address this problem with laws that prohibited physicians from making unnecessary referrals to health organizations or services that they owned.

Others responded by pushing Americans into new managed care plans that switched the financial incentives from a system that overserves to a system that underserves. They got what they asked for. The current system rewards the most irresponsible plans with huge profits, outrageous executive salaries, and a license to escape accountability. Unfortunately, patients are dying unnecessarily in the wake of this health care delivery revolution. It must stop.

Several states have already addressed the managed care crisis. In 1996, more than 1,000 pieces of managed care legislation flooded state legislatures. As a result, HMO regulations were passed in 33 states addressing issues like coverage of emergency services, utilization review, post-delivery care and information disclosure. Unfortunately, many states did not pass these needed safeguards resulting in a piecemeal web of protections that lacks continuity. The states have spoken; now it's time for federal legislation to finish the job and provide consumer protections to all Americans in managed care.

The bill I offer today is a revision of earlier bills, H.R. 1707 and H.R. 4220, the Medicare Consumer Protection Act of 1995 and 1996 respectively. This legislation includes a comprehensive set of protections that will force managed care plans to be accountable to all of their patients and to provide the standard of care they deserve.

This legislation includes measures to protect patients from the abuses of managed care on several fronts.

My bill will put an end to pre-authorization of emergency medical care. Patients will not be denied coverage for care provided in emergency rooms. Current denials create obstacles for HMO patients and leave them with thousands of dollars in medical bills. According to HCFA, 40% of claim disputes between Medicare beneficiaries and participating Medicare HMOs involve emergency services. This bill establishes the prudent layperson definition of an emergency, so a reasonable layperson can anticipate claims that would be covered versus those that would be denied. It also prohibits plans from denying coverage for 911 emergencies.

My bill includes provisions which will bring utilization review back to its intended function, ensuring that patients receive all medically necessary and appropriate care without overusing services. Utilization review boards will be standardized through accreditation by the Secretary of Health and Human Services. These review programs must update policies to ensure consistency and compliance with medical standards and treatment protocols.

This legislation also establishes, for the first time, an ''Office of Medicare Advocacy'' whose sole function is to act on behalf of Medicare beneficiaries. The bill establishes a ''1–800'' number to facilitate better communication between the Health Care Financing Administration and the beneficiary. The office would develop a number of outreach programs to help inform Medicare beneficiaries concerning the Medicare program. Additionally, the office would have the authority to hear appeals in cases of an emergency or a life threatening event.

Recent testimony by the ''Physician Payment Review Commission (PPRC)'' emphasized the need for increased information and appeals processes. Describing a recent survey of Medicare beneficiaries done by PPRC, the testimony reported:

> A significant percentage of these (Medicare) enrollees who sought additional information about their plan had problems getting their questions answered. Also, a third of enrollees said they did not know they had the right to appeal a plan's decision not to provide or pay for a service. Our study suggests that plans may need to take additional steps to inform consumers in these areas.

The Office of Medicare Advocacy will do much to better inform Medicare beneficiaries, to advise beneficiaries of their rights and to facilitate comparative information concerning Medicare Managed Care plans.

In the United States Congress, we have the ability to put an end to abuse in managed care and guarantee that Americans who choose managed care get the care for which they pay. We also have a responsibility to ensure that Americans are protected from companies who place more emphasis on their own financial interests than on patients' needs. It is irresponsible to do anything less.

Following is a summary of the consumer protections provided for in this bill.

''MANAGED CARE CONSUMER PROTECTION ACT OF 1997''

SUMMARY

I. MANAGED CARE ENROLLEE PROTECTIONS—APPLIES TO MEDICARE MANAGED CARE AS WELL AS PRIVATE PLANS

A. Utilization Review

1. Any utilization review program that attempts to regulate coverage or payment for services must first be accredited by the Secretary of Health and Human Services or an independent, non-profit accreditation entity;

2. Plans would be required to provide enrollees and physicians with a written description of utilization review policies, clinical review criteria, and the process used to review medical services under the program;

3. Organizations must periodically review utilization review policies to guarantee consistency and compliance with current medical standards and protocols;

4. Individuals performing utilization review could not receive financial compensation based upon the number of certification denials made;

5. Negative determinations about the medical necessity or appropriateness of services or the site of services would be required to be made by clinically-qualified personnel of the same branch of medicine or specialty as the recommending physician;

B. Assurance of Access

1. Plans must have a sufficient number, distribution and variety of qualified health care providers to ensure that all enrollees may receive all covered services, including specialty services, on a timely basis (including rural areas);

2. Patients with chronic health conditions must be provided with a continuity of care and access to appropriate specialists;

3. Plans would be prohibited from requiring enrollees to obtain a physician referral for obstetric and gynecological services.

4. Plans would demonstrate that enrollees with chronic diseases or who otherwise require specialized services would have access to designated Centers of Excellence;

C. Access to Emergency Care Services

1. Plans would be required to cover emergency services provided by designated trauma centers;

2. Plans could not require pre-authorization for emergency medical care;

3. A definition of emergency medical condition based upon a prudent layperson definition would be established to protect enrollees from retrospective denials of legitimate claims for payment for out-of-plan services;

4. Plans could not deny any claim for an enrollee using the ''911'' system to summon emergency care.

D. Due Process Protections for Providers

1. Descriptive information regarding the plan standards for contracting with participating providers would be required to be disclosed;

2. Notification to a participating provider of a decision to terminate or not to renew a contract would be required to include reasons for termination or non-renewal. Such notification would be required not later than 45 days before the decision would take effect, unless the failure to terminate the contract would adversely affect the health or safety of a patient;

3. Plans would have to provide a mechanism for appeals of termination or non-renewal decisions.

E. Grievance procedures and deadlines for responding to requests for coverage of services.

1. Plans would have to establish written procedures for responding to complaints and grievances in a timely manner;

2. Patients will have a right to a review by a grievance panel and a second review by an independent panel in cases where the plan decision negatively impacts their health services;

3. Plans must have expedited processes for review in emergency cases.

F. Non-discrimination and service area requirements

1. In general, the service area of a plan serving an urban area would be an entire Metropolitan Statistical Area (MSA). This requirement could be waived only if the plan's proposed service area boundaries do not result in favorable risk selection.

2. The Secretary could require some plans to contract with Federally-qualified health centers (FQHCs), rural health clinics, migrant health centers, or other essential community providers located in the service area if the Secretary determined that such contracts are needed in order to provide reasonable access to enrollees throughout the service area.

3. Plans could not discriminate in any activity (including enrollment) against an individual on the basis of race, national origin, gender, language, socioeconomic status, age, disability, health status, or anticipated need for health services.

G. Disclosure of plan information

1. Plans would provide to both prospective and current enrollees information concerning; Credentials of health service providers; Coverage provisions and benefits including premiums, deductibles, and copayments; Loss ratios explaining the percentage of premiums spent on health services; Prior authorization requirements and other service review procedures; Covered individual satisfaction statistics; Advance directives and organ donation information; Descriptions of financial arrangements and contractual provisions with hospitals, utilization review organizations, physicians, or any other health care service providers; Quality indicators including immunization rates and health outcomes statistics adjusted for case mix; An explanation of the appeals process; Salaries and other compensation of key executives in the organization; Physician ownership and investment structure of the plan; A description of lawsuits filed against the organization; Plans must provide each enrollee annually with a disclosure statement regarding whether the plan restricts the plans malpractice liability in relation to liability of physicians operating under the plan.

2. Information would be disclosed in a standardized format specified by the Secretary so that enrollees could compare the attributes of all plans within a coverage area.

H. Protection of physician-patient communications

1. Plans could not use any contractual agreements, written statements, or oral communication to prohibit, restrict or interfere with any medical communication between physicians, patients, plans or state or federal authorities.

I. Patient access to clinical studies

1. Plans may not deny or limit coverage of services furnished to an enrollee because the enrollee is participating in an approved clinical study if the services would otherwise have been covered outside of the study.

J. Minimum Childbirth benefits

1. Insurers or plans that cover childbirth benefits must provide for a minimum inpatient stay of 48 hours following vaginal delivery and 96 hours following a cesarean section.

2. The mother and child could be discharged earlier than the proposed limits if the attending provider, in consultation with the mother, orders the discharge and arrangements are made for follow-up post delivery care.

II. AMENDMENTS TO THE MEDICARE PROGRAM, MEDICARE SELECT AND MEDICARE SUPPLEMENTAL INSURANCE REGULATIONS.

A. Orientation and Medical Profile Requirements

1. When a Medicare beneficiary enrolls in a Medicare HMO, the HMO must provide an orientation to their managed care system before Medicare payment to the HMO may begin;

2. Medicare HMOs must perform an introductory medical profile as defined by the Secretary on every new enrollee before payment to the HMO may begin.

B. Requirements for Medicare Supplemental policies (MediGap)

1. All MediGap policies would be required to be community rated;

2. MediGap plans would be required to participate in coordinated open enrollment;

3. The loss ratio requirement for all plans would be increased to 85 percent.

C. Standards for Medicare Select policies

1. Secretary would establish standards for Medicare Select in regulations. To the extent practical, the standards would be the same as the standards developed by the NAIC for Medicare Select Plans. Any additional standards would be developed in consultation with the NAIC.

2. Medicare Select Plans would generally be required to meet the same requirements in effect for Medicare risk contractors under section 1876. Community Rating, Prior approval of marketing materials, Intermediate sanctions and civil money penalties.

3. If the Secretary has determined that a State has an effective program to enforce the standards for Medicare Select plans established by the Secretary, the State would certify Medicare Select plans.

4. Fee-for-service Medicare Select plans would offer either the MediGap ''E'' plan with payment for extra billing added or the MediGap ''J'' plan.

5. If an HMO or competitive medical plan (CMP) as defined under section 1876 offers Medicare Select, then the benefits would be required to be offered under the same rules as set forth in the MediGap provisions above.

D. Arrangements with out-of-area dialysis services.

E. Coordinated open enrollment

1. The Secretary would conduct an annual open enrollment period during which Medicare beneficiaries could enroll in any MediGap plan, Medicare Select, or an HMO contracting with Medicare. Each plan would be required to participate.

F. Comparative Information

1. The Secretary must provide on an annual basis for publication and use on the internet information in comparative form and standard format describing the policies offered, benefits and costs, disenrollment and complaint rates, and summaries of the results of site monitoring visits.

G. Office of Medicare Advocacy

1. Establishes Office of Medicare Advocacy within the Health Care Financing Administration. The purpose of the office is to act on behalf of Medicare recipients, especially to address complaints and concerns. A toll free telephone number would be established to facilitate communication. Additional outreach programs such as town meetings would be developed and an internet site would be established for posting information.

2. The office would have authority to provide for an expedited review and resolution of complaints under emergency circumstances as described in the bill.

H. Exclusion from Medicare and Medicaid Program

1. If plan submits information relating to the quality of services provided that is material and false, the Secretary shall exclude the plan from continuing to qualify for Medicare and Medicaid payments.

III. AMENDMENTS TO THE MEDICAID PROGRAM

A. Orientation and Immunization Requirements

1. When a Medicaid beneficiary enrolls in a Medicaid HMO, the HMO must provide an orientation to their managed care system before Medicaid payment to the HMO may begin;

2. Medicaid HMOs must perform an introductory medical profile as defined by the Secretary on every new enrollee before payment to the HMO may begin.

3. When children under the age of 18 are enrolled in a Medicaid HMO, the immunization status of the child must be determined and the proper immunization schedule begun before payment to the HMO is made.

A BEACON-OF-HOPE FOR ALL AMERICANS: CHRISTINE MCFADDEN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7 , 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Christine McFadden is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Ms. McFadden currently serves as the program director for Renaissance Development Corporation, a nonprofit social service agency whose focus is to help enhance the quality of life in the Brownsville community by providing a variety of services for the young and elderly.

In addition to her work, Ms. McFadden's church is very special to her. She has often stated that her church allows her to serve God and mankind. As a member of the Macedonia Church, Christine McFadden has served on the board of trustees; mother's board; missionary board; senior choir; and is currently secretary of the building fund.

Ms. McFadden's deep love and affection are evident in her tireless contributions to the Girl Scouts of America. This year will mark her 39th year as a scout leader. Additionally, Ms. McFadden currently serves as the correspondence secretary for the Brownsville Tenant Council and is a member of the advisory board for Bay Center. She has also served on

the auxiliary police; block watchers for the 73d precinct; and tenant patrol. In recognition of her commitment, Christine McFadden is also the recipient of numerous community and church awards and citations.

Christine McFadden was born in Fuquay Springs, NC and at the age of 14 moved to Brooklyn, NY where she completed her education. After marrying James McFadden, they moved to the Brownsville housing complex where they raised two daughters.

Christine McFadden is a Beacon-of-Hope for central Brooklyn and for all Americans.

COMMUNITY AND GREEN SPACE CONSERVATION

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is no secret that some of the Nation's most scenic open spaces are disappearing at a time when many cities—large and small—are decaying. This phenomenon is commonly referred to as sprawl. The causes are many: the development of the Interstate Highway System, relatively inexpensive commuting expenses, and tax incentives for home ownership have made it easier for people to live further from the cities in which they work. In more recent years, jobs have followed families to the suburbs, and breakthroughs in telecommunication have spawned telecommuting, eliminating proximity to the office as a factor for many people in deciding where to work or live. Obviously, public safety, the quality of schools, and the financial health of the Nation's cities figure prominently in decisions to move businesses and families to the suburbs.

The situation in my hometown of New Britain, CT, illustrates another facet of the dilemma faced by aging, industrial cities and towns, especially in the Northeast and Midwest. A huge, old factory near the center of town sat unused for years, as fears over asbestos and groundwater pollution blocked rehabilitation and re-use of the building and adjacent property.

Only recently, thanks to a cooperative effort that includes Federal, State, and local resources, is the old Fafnir site finally being reclaimed. A powerful incentive for manufacturers and retailers to flee the city is being addressed and the promise of new, centrally located job growth is once again on the horizon.

In a broader sense, it is tragic that many cities are suffering at a time when the countryside is disappearing. The American Farmland Trust estimates that the United States converts to other uses 2 million acres of farmland annually, much of it on the edge of urban America. The USDA natural resources inventory found that developed land increased by 14 million acres between 1982 and 1992.

Many provisions of tax law have come into play as well. Last summer, the Ways and Means Subcommittee on Oversight held a hearing on the impact of tax law on land use decisions. We learned that it is sometimes more difficult to recover many of the costs of development in urban areas. We also learned that estate taxes can have a tremendous impact on land use decisions. According to one of our witnesses, the Piedmont Environmental Council, farmland that sold for $500 an acre in the 1960's is selling for $10,000 to $15,000 an acre today. The tax costs of passing along such expensive acreage to the next generation, coupled with the pressure for development in many areas, is a major reason for the disappearance of open spaces. We learned more about proposals to build on or expand current empowerment zones and enterprise communities.

In recent Congresses, several of our colleagues introduced important legislation addressing these issues. The gentleman from Florida [Mr. SHAW] and the gentleman from New York [Mr. RANGEL] introduced a bill providing for more realistic cost recovery for improvements to commercial buildings. The gentleman from Florida and my colleague from Connecticut [Mrs. KENNELLY] introduced a bill to provide a tax credit for qualified rehabilitation expenditures of historic properties used as owner-occupied homes. Our colleague from Missouri [Mr. TALENT] and our colleague from Oklahoma [Mr. WATTS] introduced the American Community Renewal Act, which would create 100 ''renewal communities'' and provide a number of incentives for conducting business within the communities.

Our colleague from New York [Mr. HOUGHTON] introduced the American Farm Protection Act, to exempt from estate taxes the value of certain land subject to a qualified easement. The legislation targets the benefit to land adjacent to metropolitan areas and national parks where development pressure and land values tend to be greatest. Our former colleague from New Jersey [Mr. ZIMMER] introduced two bills related to conservation easements. One would permit an executor to donate land or a conservation easement to a government agency and credit the value of the donation against estate taxes owed. Under current law, donations must be provided for before the owner's death. Mr. ZIMMER's other bill would change the way that the gain on bargain sales of land or conservation easements is calculated for tax purposes.

We should all be grateful for the many hours of hard work our colleagues have devoted to these initiatives. With so many factors contributing to urban decay and sprawl, there is not single solution. Certainly, I would not suggest that all of the challenges facing our Nation's communities can be addressed by tax policy. But there are several provisions of tax policy that are important. That is why several of our colleagues have come up with some important ideas. I believe several others merit consideration as well. Early this session, I intend to introduce a series of measures to address some of the factors that contribute to sprawl.

First, I intend to re-introduce a bill I offered in the last Congress, related to the costs of cleaning up contaminated land and buildings in urban areas so that they can be put to productive use. The rules surrounding the tax treatment of environmental remediation expenses are so convoluted and confusing that it is no wonder that a number of businesses decide to sidestep them altogether and invest in previously undeveloped land and newer buildings outside of environmentally distressed urban areas.

Repairs to business property can be deducted currently as a business expense, but capital expenditures that add to the value of property have to be capitalized. This means that some environmental remediation costs are treated as a business expense, but others are treated as capital expenditures, depending on the facts and circumstances of each case.

The administration in its brownfields initiative has proposed to allow an immediate deduction for cleaning up certain hazardous substances in high-poverty areas, existing EPA brownfields pilot areas, and Federal empowerment zones and enterprise communities. This is commendable, as far as it goes, but there is a disturbing trend in urban policy to pick and choose among cities. If expensing environmental remediation costs is good tax policy and good urban policy, and I believe that it is, then it should apply in all communities. My bill would apply this policy to all property wherever located, and would expand the list of hazardous substances to include potentially hazardous materials such as asbestos, lead paint, petroleum products, and radon. This would remove a disincentive in current law to reinvestment in our cities and buildings.

Another proposal would address the blight of the many boarded up buildings. Of course, many of these buildings should be rehabilitated. But many buildings that have no economic viability are still standing because the current tax rules provide a disincentive to tearing them down.

Before 1978, costs and other losses incurred in connection with the demolition of buildings generally could be claimed as a current deduction unless the building and the property on which it was located were purchased with an intent to demolish the building. In that case, costs and other losses associated with demolition were added to the basis of the land.

To create a disincentive to demolishing historic structures, the 1978 tax bill required that costs incurred in connection with the demolition of historic structures would have to be added to the basis of the land.

Under the Deficit Reduction Act of 1984, the special rule for the treatment of costs associated with demolishing historic structures became the general rule. There was concern that the old rule may have operated as an undue incentive for the demolition of existing structures. But the new rule is a disincentive for tearing down buildings with unrecovered basis. Many boarded up buildings are still standing because the owners are still depreciating them.

My proposal would restore the old rule for nonhistoric buildings.

While many people prefer the amenities offered by living in our Nation's cities, many new jobs are being created outside urban areas. As the cities are losing their manufacturing industries, 95 percent of the growth in office jobs occurs in low density suburbs. These office jobs accounted for 15 million of the 18 million new jobs in the 1980's. Mass transit is important if people in the cities are to reach the new jobs in the suburbs.

Under current law, some employer-provided transportation assistance can be excluded from income. The value of transportation in a commuter highway vehicle or a transit pass that may be excluded from income was $65 per month in tax year 1996. On the other hand, up to $170 per month in qualified parking can be excluded from income. I am proposing to establish parity by raising the cap for transportation in a commuter highway vehicle or a transit pass to the same level as that for qualified parking.

Another proposal I introduced in the last Congress addresses a provision in current tax law that limits the deduction for a gift of appreciated property to 30 percent of adjusted gross income. Under current law, the limit for gifts of cash is 50 percent of adjusted gross income. This provision would raise the cap for qualified gifts of conservation land and easements from 30 percent to 50 percent. Under the bill, any amount that cannot be deducted in the year in which the gift is made can be carried over to subsequent tax years until the deduction has been exhausted. Current law gives the donor 5 years in which to use up the deduction.

Conservation easements are a partial interest in property transferred to an appropriate nonprofit or governmental entity. These easements restrict the development, management, or use of the land in order to keep the land in a natural state or to protect historic or scenic values. Easements are widely used by land trusts, conservation groups, and developers to protect valuable land.

The 30-percent limit in current law actually works to the disadvantage of taxpayers who may be land rich but cash poor.

Our former colleague from New Jersey [Mr. ZIMMER] introduced two proposals in the last Congress related to the donation of land or easements. One would encourage heirs to donate undeveloped land to the Federal Government. If the inherited land is desired by a Federal agency for conservation, the heirs would be allowed to transfer the land to the Government and take a credit for the fair market value. The other would provide for more equitable taxation of the gains from selling land or an easement at below market value to a government entity or a nonprofit organization. I intend to introduce these measures, with a few modifications, in the new Congress.

Mr. Speaker, to save our Nation's green spaces, we must save our cities as well. There is no single, simple solution, but we here in Congress must do what we can to help our communities. I am looking forward to working with my colleagues to address these challenges in the coming weeks and months.

THE MEDICAL EDUCATION TRUST FUND ACT OF 1997, THE HONORABLE KENNETH E. BENTSEN, JR. OF TEXAS, BEFORE THE U.S. HOUSE OF REPRESENTATIVES, TUESDAY, JANUARY 7, 1997

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation, the Medical Education Trust Fund Act of 1997, to ensure that our nation continues to invest in medical research through the training of medical professionals in a time of declining federal expenditures and as our health care system makes its transition to the increased use of managed care.

This legislation establishes a new Trust Fund for medical education that would be financed primarily by Medicare including managed care plans. This trust fund would provide a guaranteed source of funding for graduate medical education at our nation's teaching hospitals and help ensure that we continue to train a sufficient number of physicians and other health care providers particularly in the advent of managed care. Without such a guarantee, I am deeply concerned that the availability and quality of medical care in our country could be at risk.

Teaching hospitals have a different mission and caseload than other medical institutions. These hospitals are teaching centers where reimbursements for treating patients must pay for the cost not only of patient care, but also for medical education including research. In the past, teaching hospitals were able to subsidize the cost of medical education through higher reimbursements from private and public health insurance programs. With the introduction of managed care, these subsidies are being reduced and eliminated.

As the representative for the Texas Medical Center, home of two medical schools, Baylor College of Medicine and University of Texas Health Science Center at Houston, I have seen firsthand the invaluable role of medical education in our health care system and the stresses being placed on it today. Baylor College of Medicine offers medical training in 21 medical specialities and currently teaches 668 medical students, 341 graduate students, and 1325 residents. Baylor College of Medicine also employs 1,470 full-time faculty and 3,007 full-time staff. The University of Texas Medical School at Houston has 833 medical students, 799 accredited residents and fellows, and 1,532 faculty.

Under current law, the Medicare program provides payments to teaching hospitals for medical education. These reimbursements are paid through the Direct Medical Education (DME) and Indirect Medical Education (IME) programs. DME and IME payments are based upon a formula set by Congress.

Last year, the Republican budget resolution adopted by the House proposed cutting DME and IME payments by $8.6 billion over 7 years. I strongly opposed these efforts and will continue to fight any cuts of this magnitude to these payments. Such cuts would be detrimental enough in a stable health care market. But they are especially harmful given the impact of our changing health care market on medical education.

As more Medicare beneficiaries enroll in managed care plans, payments for medical education are reduced in two ways. First, many managed care patients no longer seek services from teaching hospitals because their plans do not allow it. Second, direct DME and IME payments are cut because the formula for these payments is based on the number of traditional, fee-for-service Medicare patients served at these hospitals. Managed care does not pay for medical education.

My legislation would provide new funding for graduate medical education by recapturing a portion of the Adjusted Average Per Capita Cost (AAPCC) payment given to Medicare managed care plans. The AAPCC is the Medicare reimbursement paid to insurance companies to provide health coverage for Medicare beneficiaries under a managed care model. These recaptured funds would be deposited into a Trust Fund. I believe managed care plans should contribute toward the cost of medical education and my legislation would ensure this. This is a matter of fairness. All health care consumers, including those in managed care, benefit from this training and should contribute equally towards this goal.

These funds would be deposited into a trust fund at the U.S. Department of the Treasury. All funds would be eligible to earn interest and grow. The Secretary of Health and Human Services would be authorized to transfer funds from the trust fund to teaching hospitals throughout the nation. The formula for distribution of funds would be determined by a new National Advisory Council on Post-Graduate Medical Education that would be established by this legislation. This legislation would also allow Congress to supplement the Trust Fund with appropriated funds which the Secretary of Health and Human Services (HHS) would distribute. All of this funding would be in addition to the current federal programs of direct and indirect medical education. This supplemental funding is necessary to enable medical schools to maintain sufficient enrollment and keep tuition payments reasonable for students.

My legislation would also take an additional portion of the AAPCC payment given to managed care plans and return it to the Secretary of Health and Human Services to spend on the disproportionate share program. Disproportionate share payments are given to those hospitals which serve a large number of uncompensated or charity care patients. Many of our nation's teaching hospitals are also disproportionate share hospitals. Thus, my legislation would create two new and necessary funding sources for teaching hospitals.

This legislation would also create a National Advisory Council on Post-Graduate Medical Education. This Advisory Council would advise Congress and the Secretary of Health and Human Service about the future of post-graduate medical education. The Council would consist of a variety of health care professionals, including consumer health groups, physicians working at medical schools, and representatives from other advanced medical education programs. The Council would also advise Congress on how to allocate these new dedicated funds for medical education. This Council will provide Congress with needed information about the current state of medical education and any changes which should be made to improve our medical education system.

Our nation's medical education program are the best in the world. Maintaining this excellence requires continued investment by the federal government. Our teaching hospitals need and deserve the resources to meet the challenge of our aging population and our changing health care marketplace. This legislation would ensure that our nation continues to have the health care professionals we need to provide quality health care services to them in the future.

I urge my colleagues to support this effort to provide guaranteed funding for medical education.

THE HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT OF 1997

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LAZIO of New York. Mr. Speaker, today I am introducing the Homeless Housing Programs Consolidation and Flexibity Act of 1997, a bill designed to help one of this Nation's most vulnerable populations, the homeless.

Homelessness is one of the Nation's most pressing social dilemmas. As much as half of the adult homeless population has a current or past substance abuse problem, and up to one-third has severe mental illness.

The Federal Government's most potent tool for responding to homelessness has been the 1987 McKinney Act with emergency food and shelter programs. This reflected the belief that homelessness was temporary in nature. When homelessness continued to intensify, more programs were created and Federal policy became muted through a multitude of Federal programs, creating the current collage of programs so in need of consolidation.

The General Accounting Office reports that the application and recordkeeping requirements of the various McKinney programs are overly burdensome and sometimes conflicting or duplicative; this places a great strain on nonprofits.

When provided with stable, permanent housing and flexible support services, formerly homeless persons with severe mental illness are able to greatly decrease their use of costly acute psychiatric hospital care and emergency room treatment. In Boston, a study of homeless people with severe mental illness showed that after a year and a half, 78 percent remained in housing, and only 11 percent returned to streets or shelters.

When provided with permanent supportive housing, graduates of chemical dependency treatment programs are able to greatly increase their rates of sobriety. A study by Eden programs, a Minneapolis social service provider, tracked 201 graduates of a chemical dependency treatment program—90 percent who had supportive living a year later remained sober.

Despite a significant proportion of homeless individuals suffering from mental or physical disabilities, we must also recognize a portion of the homeless community, particularly families, that because of economic tragedies, are without permanent homes. It is this population that we too must concentrate our efforts to ensure that they don't evolve into mental or physical disabilities.

Mr. Speaker, as with the other bills I am introducing today, I intend to work in a bipartisan manner with my colleagues to make sure that low-income families and American taxpayers get the relief they deserve as quickly as possible.

HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

SECTION-BY-SECTION ANALYSIS

Section 1: Title cited as the ''Homeless Housing Programs Consolidation and Flexibility Act.''

Section 2: Findings and Purpose conclude that a consolidation of the 7 existing McKinney Homeless Housing programs would provide flexibility and allow states, localities, and non-profits the ability to provide housing to homeless individuals with coordination of needed supportive services through other agencies.

Section 3: General Provisions provide technical changes to the McKinney Act.

Section 4: Permanent Housing Development and Flexible Block Grant Homeless Assistance Program is created and replaces existing Title IV of the Stewart B. McKinney Homeless Act as follows:

Subtitle A—General Provisions

Sec. 401: Purpose is established to provide assistance for permanent housing development and flexible homeless housing assistance.

Sec. 402: Grant Authority allows the HUD Secretary to provide grants to states, metropolitan cities, urban counties, and insular areas under subtitles B (Permanent Housing Development) and C (Flexible Block Grant Homeless Assistance).

Sec. 403: Eligible Grantees are insular areas (or designees) and recipients (state, metropolitan city or urban county) of Permanent Housing Development and the Flexible Homeless Block Grant Assistance Programs.

Sec. 404: Use of Project Sponsors provides criteria from which the eligible grantee may select entities to carry out its eligible activities.

Sec. 405: Comprehensive Housing Affordability Strategy Compliance requires each jurisdiction (eligible grantee) to submit and comply with the requirements of the comprehensive housing affordability strategy under Sec. 105 of the Cranston-Gonzalez National Affordable Housing Act.

Sec. 406: Allocation and Availability of Amounts requires, at enactment, 20% of total funds made for the Permanent Housing Development Grants, with a transitional sliding scale upward to 30% in the fourth year of the bill; the Flexible Block Grant Homeless Assistance, at enactment, receives 80% of total funds with a transitional sliding scale down to 70% in the fourth year and a sliding scale cap on the amounts used for supportive services from 30%, at enactment, to 15% in the fourth year. The permanent housing development grants are totally competitive at the national level; the Flexible Block Grant is allocated with 70% for metropolitan cities and urban counties and 30% for states, based on a formula in the Housing and Community Development Act of 1974 (or the Emergency Shelter Grant formula). A minimum appropriated threshold amount of $750 million is required for block grant and permanent development housing. Otherwise, all the homeless funds are nationally competitive.

Sec. 407: Matching Funds Requirements provide for each eligible grantee to match at least 50% of the federal funds received, unless the grant is less than $100,000. The eligible grantee is restricted from transferring matching requirements to a project sponsor or other non-profit carrying out the jurisdiction's homeless activities to no more than a 25% match of federal funds. Matches include (i) value of donated material, (ii) value of building lease, (iii) proceeds from bond financing with limitations, (iv) amount of salary paid to staff, and (v) the cost or value of donated goods, without including the value of any time or services contributed by volunteers.

Sec. 408: Program Requirements provide the Secretary with the authority to establish the application, form and procedure for acquiring homeless grants. Under the Permanent Housing Development Grants or Flexible Block Grant Homeless Assistance, eligible grantees must provide detailed descriptions of the activities planned. The eligible grantee or project sponsor is authorized to charge an occupancy charge from assisted individuals, capped at a maximum 30% of income. Eligible grantees and project sponsors are required to have at least one homeless individual as a member of the board of directors unless the Secretary provides a waiver. Administrative expenses are capped at 5% of federal funds received or 7.5% in cases where the recipient utilizes a standardized homeless database management system to record and assess the use of housing, services and homeless individual. Housing Quality Standards are keyed to local housing standards; and in the absence of local codes, a federal housing quality standard is enforced.

This section requires coordination and consultation between HUD and other federal agencies who have grant programs where eligible activities include homeless assistance, e.g. HHS, Labor, Education, VA, and Agriculture. Such coordination would provide for other agency funding for companion services to HUD housing grants. In the event of failure to coordinate or provide sufficient services, HUD and the Interagency Council on the Homeless would create a companion service block grant, capped at the authorized amounts for Title IV McKinney Appropriations, which this bill authorizes at $1 billion.

Use restrictions are applicable to permanent and supportive service housing, requiring at least a 20 year use with requirements for repayment or conversion monitored by the Secretary.

Local advisory boards are required to assist and provide professional and community assistance in creating, monitoring and evaluating local homeless initiatives using federal funds.

Sec. 409: Supportive Services are required for each homeless housing facility to meet specifically the needs of the residents, and include activities such as child care, employment assistance, outpatient health services, housing location, security arrangements, and case-management coordination of benefits.

Subtitle B—Permanent Housing Development Activities

Sec. 411: Use of Amounts and General Requirements provide authority to states, metropolitan cities and urban counties to implement permanent housing development for homeless individuals through construction, substantial rehabilitation, or acquisition. Substantial reliance on non-profit organizations is required, with a minimum amount of 50% of funds required to pass-through to such organizations. Special populations, to the maximum extent possible, are provided permanent housing opportunities.

Sec. 412: Permanent Housing Development consists of long-term housing, single room occupancy housing (with or without kitchen or bathroom facilities for each unit) rental, cooperative, shared-living arrangements, single family housing or other housing arrangements.

Subtitle C—Flexible Block Grant Homeless Assistance

Sec. 421: Eligible Activities provide authority to the eligible grantee to use funds for acquisition and rehabilitation of supportive housing; new construction of supportive housing, leasing of supportive housing, operating costs for supportive housing with limits, homelessness prevention, permanent housing development under subtitle B, emergency shelter, supportive services with caps, and technical assistance. Matching amounts only require an amount equal to the federal funds to be used for housing; therefore, grantees are much more flexible in providing different sources of funds. Federal funds are capped for emergency shelters at 10% of the recipients' McKinney housing funds.

Sec. 422: Use of Amounts Through Private Non-Profit Providers requires a pass-through of no less than 50% of funds.

Sec. 423: Supportive Housing is defined as housing providing supportive services that is either transition or permanent supportive housing.

Sec. 424: Emergency Shelter is defined as housing for overnight sleeping accommodations. Grants for emergency shelter are restricted for emergency needs and, in the case of rehabilitation and conversion, a 10 year use requirement for emergency or other homeless housing.

Subtitle D—Reporting, Definitions, and Funding

Sec. 431: Performance Reports by Grantees requires the eligible grantee to review and

report on the progress of the homeless activities under the grants from Title IV as well as meeting the needs of the comprehensive housing affordability strategy.

Sec. 432: Annual Report by Secretary requires a summary of activities, conclusions and recommendations.

Sec. 433: Definitions.

Sec. 434: Regulations are required within 30 days of enactment for interim rules and final rules to follow, within 90 days of enactment.

Sec. 435: Authorization of Appropriations is $1 billion for FY98 through FY02.

Section 5: Interagency Council on the Homeless statutory language is amended to provide authority to coordinate under Title IV with HUD and other agencies and provide an independent determination on companion supportive service funding. Authorization of appropriations is for such sums as may be necessary in FY98 through FY02.

Section 6: Repeals and Conforming Amendments provide for the termination of (i) Innovative Homeless Initiative Demonstration; (ii) FHA Single Family Property Disposition for Homeless Use; (iii) Housing for Rural Homeless and Migrant Farmworkers; and, (iv) Termination of SRO Assistance Program.

Section 7: Savings Provision provides a guarantee of federal funds obligated for homeless activities prior to enactment under earlier laws.

Section 8: Treatment of Previously Obligated Amounts are guaranteed under the applicable provisions of law prior to enactment.

INTRODUCTION OF TARGETED TAX CUT BILLS

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. POMEROY. Mr. Speaker, today I introduce a trio of targeted tax cut bills designed to help working families meet their most pressing financial challenges. The centerpiece of an agenda to advance the economic security of North Dakota's middle and working income families, these measures will make it easier for workers to afford health care and education and to set money aside for retirement.

The first measure I introduce today, The Self-Employed Health Affordability Act of 1997, continues my long dedication to providing full deductibility of health insurance costs for self-employed individuals. On the first day of the last Congress, I introduced a bill to give the self-employed a full 100 percent deduction for these costs. Eighty-two of my House colleagues became co-sponsors of my bill, and this bipartisan coalition fought successfully to include an increased self-employed deduction as part of the health insurance legislation passed by Congress last summer. Under this so-called Kennedy-Kassebaum law, the self-employed deduction will slowly increase to 80 percent by the year 2006. While this was progress, it does not bring sufficient relief to the hard-working farm and small business families which must pay their own health insurance premiums. The bill I introduced today will immediately increase the self-employed deduction to a full 100 percent, making the increasing cost of health insurance more affordable and keeping these families healthy.

Mr. Speaker, the second of the targeted tax cut bills I introduce today is The Education and Training Affordability Act of 1997. This legislation will allow a tax deduction of up to $5,000 a year for higher education and job training expenses for middle-income families. The deduction will be fully available to individuals earning less than $60,000 and households earning less than $80,000, and will phase out for individuals at $75,000 and for households at $95,000.

Unfortunately, college costs are moving beyond middle-class reach. Many families are forced to incur greater and greater debt to finance their children's higher education and some must forego higher education altogether. The Education and Training Affordability Act will help combat these trends, providing a needed tax savings and helping parents afford the cost of a college education for their children. Under this bill, a family of five earning $60,000 with three children in North Dakota's state universities will save $1,400 per year.

The Education and Training Affordability Act will also make job training more affordable. It's clear that the best-paying jobs will increasingly go to those workers with advanced training beyond high school. Employees willing to continually update their skills are the ones who will be able to take full advantage of the opportunities in today's rapidly changing economy. The Education and Training Affordability Act will help workers seize these new opportunities by making vocational, technical and other job training programs more affordable. For example, a worker earning $28,000 and enrolled full-time at Interstate Business College in Fargo would save $1,400 on his or her tax bill.

Mr. Speaker, the final bill in my trio of targeted tax cuts is the IRA Savings Opportunity Act of 1997. This legislation will help working families overcome what can be the extreme difficulty of setting aside money for retirement given all the other expenses families face. In doing so, it will help us take a step forward in meeting our emerging retirement savings crisis. As a nation, we are simply not saving enough to ensure a financially secure retirement. The personal savings rate has fallen from a level of more than 7 percent during much of this century to barely more than 3 percent today. Indeed, only one in three baby-boomers is saving enough to guarantee an adequate income in retirement.

The IRA Savings Opportunity Act gives working families expanded new opportunities to start and contribute to an individual retirement account (IRA). THe bill has three provisions, each designed to expand savings opportunities in a different way. First, for those at modest income levels who often find it most difficult to save, the bill provides a tax credit equal to 20 percent of the amount contributed to an IRA. This credit will reduce tax liability for individuals earning less than $35,000 and households earning less than $50,000 while providing a meaningful incentive to save for retirement.

Second, the IRA Savings Opportunity Act will allow those without access to a workplace retirement plan to contribute additional dollars to their IRA. Retirement security in our economy is premised on a three-legged stool of (1) employer pension, (2) Social Security, and (3) personal savings. Yet many workers—farmers, those who work for small businesses—do not have access to a retirement plan in the workplace. And many large employers are discontinuing their pension plans, leaving workers without a retirement vehicle at their place at work. These employees thus lack the important employer pension leg of the retirement security stool. THe IRA Savings Opportunity Act addresses this problem by strengthening the personal savings leg. The bill will allow middle-income workers without workplace plans to contribute an additional $2,000 to their IRA, bringing the total annual amount that can be contributed to $4,000. While the additional $2,000 contribution is not tax deductible, these funds will accumulate tax-free, providing a significant advantage over other savings vehicles such as mutual funds.

Finally, the IRA Savings Opportunity Act will help to strengthen the personal savings leg of the stool for those who are fortunate enough to have access to a retirement plan at the workplace. By doubling the income ceilings below which workers can deduct their IRA contributions, the IRA Savings Opportunity Act once again makes the tax advantages of IRAs available to all middle-class Americans. Remedying the vast reduction in IRA participation caused by the 1986 tax reform law, the IRA Savings Opportunity Act will allow individuals earning up to $70,000 and households earning up to $100,000 to deduct their IRA contributions from their taxes, up to a maximum of $2,000. This restored deduction will provide meaningful tax relief for middle-income families, and will encourage the personal savings which must be a critical part of everyone's retirement savings strategy.

Mr. Speaker, one strength of the tax relief measures I introduce today is that they target the relief at families' most pressing economic challenges—the high cost of health care and education and the difficulty of saving for retirement. They also target the tax relief at middle and working income families in order to limit the cost and not require unsustainable cuts in programs on which our seniors, children and working families rely. This doubly targeted approach means that the revenue loss to the federal treasury from my proposals is modest, on the order of $40–50 billion. As with the proposals others will make for tax relief, my targeted tax cuts can only be enacted as part of a budget agreement that includes the necessary spending cuts to reach balance by 2002. From my position on the Budget Committee, I will be working to ensure that targeted tax relief in the context of a balanced budget is accomplished.

Mr. Speaker, I look forward to working hard in the coming weeks and months to advance these three targeted tax cut bills. With passage of these measures, Congress can provide needed tax relief to middle and working income families and can help them secure the foundations of economic security—health care, education and training, and a secure retirement.

THE INTRODUCTION OF THE NATIONAL RIGHT TO WORK ACT OF 1997

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce on this first day of the 105th Congress the National Right to Work Act of 1997.

This act will reduce Federal power over the American workplace by removing those provisions of Federal law authorizing the collection of forced-union dues as a part of a collective bargaining contract.

Since the Wagner Act of 1935 made forced-union dues a keystone of Federal labor law, millions of American workers have been forced to pay for union representation that they neither choose nor desire.

The primary beneficiaries of Right to Work are America's workers—even those who voluntarily choose to pay union dues, because when union officials are deprived of the forced-dues power granted them under current Federal law they'll be more responsive to the workers' needs and concerns.

Mr. Speaker, this act is pro-worker, pro-economic growth, and pro-freedom.

The 21 States with Right to Work laws, including my own State of Virginia, have a nearly three-to-one advantage over non-right to work States in terms of job creation.

And, according to U.S. News and World Report, 7 of the strongest 10 State economies in the nation have Right to Work laws.

Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non-Right to Work States. According to Dr. James Bennett, an economist with the highly-respected economics department at George Mason University, on average, urban families in Right to Work States have approximately $2,852 more annual purchasing power than urban families in non-Right to Work States when the lower taxes, housing and food costs of Right to Work States are taken into consideration.

The National Right to Work Act would make the economic benefits of voluntary unionism a reality for all Americans.

But this bill is about more than economics, it's about freedom.

Compelling a man or woman to pay fees to a union in order to work violates the very principle of individual liberty upon which this Nation was founded.

Oftentimes forced dues are used to support causes the worker does not wish to support with his or her hard-earned wages.

Thomas Jefferson said it best, ''* * * to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.''

By passing the National Right to Work Act, this Congress will take a major step towards restoring the freedom of America's workers to choose the form of workplace representation that best suits their needs.

In a free society, the decision of whether or not to join or support a union should be made by a worker, not a union official, not an employer, and certainly not the U.S. Congress.

The National Right to Work Act reduces Federal power over America's labor markets, promotes economic growth and a higher standard of living, and enhances freedom.

No wonder, according to a poll by the respected Marketing Research Institute, 77 percent of Americans support Right to Work, and over 50 percent of union households believe workers should have the right to choose whether or not to join or pay dues to a labor union.

No other piece of legislation before this Congress will benefit this Nation as much as the National Right to Work Act.

I urge my colleagues to quickly pass the National Right to Work Act and free millions of Americans from forced-dues tyranny.

THE BREAST CANCER PATIENT PROTECTION ACT OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DINGELL. Mr. Speaker, I am pleased today to join my colleagues Representatives DELAURO and ROUKEMA of New Jersey, in introducing the Breast Cancer Patient Protection Act of 1997. This legislation seeks to ensure that women and doctors—not insurance company bureaucrats—will decide how long a woman who has a mastectomy should remain in the hospital.

For any woman, learning that she has breast cancer is one of her most frightening experiences. Learning that she must have a mastectomy, a surgical procedure that will change her body and her life, can be devastating.

To have an insurance company dare to say to this woman, who is facing one of life's great crises, that she must leave the hospital whether she is healed or not, is the ultimate insult. It is something that we should not tolerate, and that we must not allow.

Every medical specialty organization in this country challenges the right of insurance companies to interfere in the decision of what treatment is medically necessary or appropriate for a patient. Whether that patient is a young woman giving birth to a baby, or a woman having surgery to treat breast cancer, the insurer has no right to be in the middle, between the patient and the doctor.

Respresentative DELAURO and I, along with many other Members, placed this issue on the table at the end of last session because we wanted every Member of this body to think about this matter before the convening of this new Congress. We have spent the past several months researching the best, most effective way to accomplish the goals we laid out last year. We believe this legislation does that. We have made sure that we do not preempt responsible State legislation and we have defined health plans to be consistent with the Kassebaum-Kennedy health insurance reform bill and with the MOMS bill I introduced last session, which provides for 48-hour maternity stays.

This legislation goes where many angels have feared to tread, into the hallowed halls of well-heeled industry that is trying to make cost, rather than care, the driving principle of our health care system. This legislation just says ''no.'' It says to anyone who is not the patient or the patient's doctor: ''No, you may not dictate when a patient must leave the hospital.''

The devastation of breast cancer is too great. The difficulties, both physical and psychological, associated with mastectomy are too complex. This legislation seeks to ensure that insurance snafus and mindless refusals do not make these already difficult situations impossible.

TRIBUTE TO BOB JOHNSTON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to one of my constituents, CWO2 Robert G. Johnston, USA (Retired) who retired from The Retired Officers Association last November. In connection with his retirement, I had occasion to reexamine Bob's biography. I never realized it before but, in one way or another, Bob has spent his entire adult life in or working for the military and its people.

Born and raised in Atlanta, GA. Bob entered the Army as a draftee in January 1953 and rose through the ranks to the grade of chief warrant officer. His enlisted service included tours with the Leadership Committee of the Infantry School at Fort Benning, GA, the First Infantry Division at Fort Riley, KS, the Third Infantry at Fort Meyer, VA, and two tours with the U.S. Army Special Security Group in the Pentagon. He served overseas with the U.S. Embassy in London and the Military Assistance Command in Vietnam.

Upon appointment to warrant officer in the intelligence field in 1972, he received training in counterintelligence at the Intelligence School, Fort Huachuca, AZ. His subsequent service as a warrant officer included tours with the Pentagon Counterintelligence Force, as executive officer of the 902d Military Intelligence Group and personnel officer of the U.S. Army Special Security Group.

After retiring from the Army in November 1975, Bob joined the Retired Officers Association's Placement Service [TOPS] as a placement specialist. He assumed the position as Deputy Director in 1978 and became Director of TOPS in 1994. Bob's military awards include the Bronze Star. Meritorious Service Medal with Oak Leaf Cluster, and Army Commendation Medal with Oak leaf Cluster.

The officer placement service or TOPS as it is called is a unique enterprise and it requires a unique individual to run it. In essence, it is a job placement service for military officers from all of the seven uniformed services who are either retiring or being forced out as a result of the current force drawdown. The very heart of this operation is Bob Johnston in his 18 years of service as Deputy Director and then Director of TOPS, he has worked directly with active duty and retired officers and with civilian employers, plus executive search firms in assisting officers to find civilian positions for a second career. His reputation in this area is legend. In some significant way Bob assisted more than 200,000 officers in making a successful transition from the service to civilian employment; personally critiqued over 14,000 resumes; counseled over 10,000 officers; and rewrote the acclaimed ''Marketing Yourself for a Second Career'' publication which is distributed to over 50,000 service members annually. As the Director of TOPS for the last 2 years, his major achievements include the creation of a TOPS Job Bulletin that could be accessed from the Internet and thus, has TOPS poised to meet the technological challenges of the 21st century; and a significant increase in the number of employers and executive recruiters who come to TROA looking for TROA members to hire to more than 2,000 firms worldwide.

Mr. Speaker, as a final thought, the word leadership is often applied to those who do not deserve it. In Bob Johnston's case, just the opposite is true. He was a leader on active duty and in retirement continued to be a leader to his fellow officers, showing them how to cope with the challenges of a changing world. Bob has been a credit to his country, the Retired Officers Association and to the entire retired community.

Bob resides in Springfield, VA, with his wife Elsie. The couple has two grown daughters.

INTRODUCTION OF THE HIGHER EDUCATION AMENDMENTS OF 1998

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLING. Mr. Speaker, today Mr. MCKEON, Mr. CLAY, Mr. KILDEE and I have introduced a bill to extend the Higher Education Act of 1995. The Higher Education Act is one of the most important pieces of legislation we will be reviewing this Congress. The law enacted by this Congress which provides for the continuation of the Higher Education Act will establish Federal student aid policy for students and families through the year 2004. Our guiding principles will be: making college more affordable; simplifying the student aid system; and improving academic quality for students.

I am a firm believer that a postsecondary education is one of the keys to family security in this country. As parents, we all work hard in the hope that our children will have a better life and more opportunities than the prior generation. Unfortunately, it has become increasingly difficult for families to fulfill this dream.

Students and their families are worrying more and more about how they are going to pay for a postsecondary education. A recent General Accounting Office report notes that public 4-year colleges raised tuition 256 percent between 1980 and 1995, far outstripping the consumer price index and the rise in a typical family's income. Yet, college is no longer a luxury. Over the last decade, the earnings gap between youth with a postsecondary education and those without has continued to widen. New and advanced technology is dominating our economy and driving down the value of lowerskilled jobs. At a time when a college education is no longer a luxury, families are finding themselves unable to save or borrow enough money to pay the bill.

As we begin our intensive review of the Higher Education Act and Federal student aid policy, we will be looking for ways to assist all Americans in their pursuit of an affordable, high-quality postsecondary education. Achieving this goal is critical to the survival and growth of this country.

INTRODUCTION OF THE HIGHER EDUCATION AMENDMENTS OF 1998

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MCKEON. Mr. Speaker, today Mr. GOODLING, Mr. CLAY, Mr. KILDEE and I have introduced a bill to extend the Higher Education Act of 1965. As we are just beginning the review process, the bill we are introducing today does not establish new policy or direction for Federal student aid. The final bill we plan on completing this year will focus on three main principles: making college affordable; simplifying the student aid system; and improving academic quality for students.

The Higher Education Act is a complex piece of legislation. Our proposals for changing Federal student aid policy will be formulated only after open and bipartisan discussions with the Administration, the higher education community, students, parents and our colleagues in the 105th Congress.

In today's information based economy, the importance of obtaining a quality postsecondary education is at an all-time high. Parents across the country have recognized the importance of sending their children to college and they strive to ensure that their children will enjoy a better life.

It is in this area of higher education that the Federal Government can have a very significant impact. The fact is that the combination of Federal grant and loan aid for fiscal year 1997 is expected to exceed $37 billion dollars. This is good news for higher education in this country. Unfortunately, the cost of a college education has increased at about twice the rate of inflation since the early 1980's, making a college education one of the most costly investments facing American families today.

That is why our review of the Higher Education Act and Federal student aid policy will focus on strengthening opportunities for students to obtain an affordable, high quality postsecondary education. The law enacted by this Congress which establishes new and continues old Federal student aid policies will take us through the year 2004. It will significantly impact the lives of millions of students and their families, as well as the future of this country. I look forward to working with all my colleagues as we undertake this review.

TRIBUTE TO SUPERVISOR DERAN KOLIGIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Supervisor Deran Koligian. Mr. Koligian is a man of soil and a man of service to all of Fresno County. He truly exemplifies what it means to be a family farmer.

As noted in a recent article in the Armenian General Benevolent Union (UGBU) magazine, Supervisor Koligian, who is serving his fourth term on the Fresno County Board of Supervisors, is a native of Fresno. His parents left their native home land during the dark days of the Armenian genocide and relocated in Fresno. Koligian faced hard times like many other Armenians who were often the subject of discrimination and ridicule. As a result, life was not always easy for the Armenian families who lived on ''the other side'' of the railroad tracks.

Koligian's father and the rest of the family did not surrender to the pressure of being newcomers to the United States. Instead, the elders of the community instilled in the first generation of U.S.-born Armenians a message to concentrate on their education, work hard, and set goals. The words were taken to heart by Koligian. After graduating from Central High School, Koligian went onto Fresno State College and completed a degree in accounting and business administration. At the conclusion of his formal education, he entered into combat as an infantryman in the U.S. Army during World War II.

Upon returning to Fresno after World War II, Koligian began a career in farming and became involved in serving the community. Koligian served on the Fresno County School Board Association, the Fresno County Equal Opportunity Commission, and the Fresno Planning Commission. He also served 12 years as a member of the Board of Trustees of the Madison Elementary School, and 12 years on the board of Central High School before his election to the Fresno County Board of Supervisors.

Koligian oversees services in Fresno County such as public libraries, public schools, the sheriff's department, medical services, and the planning commission. Additionally, he also works with the probation department, courts, housing and tax collection agencies within the county.

Mr. Speaker, through the years, Deran Koligian has epitomized the hard work and integrity that our forefathers believed would make the United States a great and prosperous nation. The end result is a man who has served his community with professionalism an a no-nonsense attitude. I ask my colleagues to join me and pay tribute to a man who in the midst of so much else today, serves the public with as much substance as the soil of the Fresno land that he farms.

INTRODUCTION OF LEGISLATION TO ASSIST CONNECTICUT POLICE AND FIREFIGHTERS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to introduce legislation on the single most important tax issue to roughly 1100 families in Connecticut.

This legislation would simply clear up a situation where erroneous state law has caused benefits that were intended to be treated as workmen's compensation to be brought into income on audit. In several states, including Connecticut, the state law providing these benefits for police and fire fighters included an irrebuttable presumption that heart and hypertension conditions were the result of hazardous work conditions.

In Connecticut, at least, the state law has been corrected so that while there is a presumption that such conditions are the result of hazardous work, the state or municipality involved could require medical proof. This change satisfies the IRS definition of workmen's compensation. Therefore, all this legislation would do is exempt from income those payments received by these individuals as a result of faulty state law but only for the three years—1989, 1990 and 1991. From January 1, 1992 forward those already receiving these benefits would have to meet the standard IRS test.

The importance of this legislation is that these individuals believed that they followed state law. The cities and towns involved believed that they followed state law and therefore all parties involved believed that these benefits were not subject to tax. However, the IRS currently has an audit project ongoing in CT and has deemed these benefits taxable. All this legislation says is that all parties involved made a good faith effort to comply with what they thought the law was. The state was in error. That error has been rectified but those individuals on disability should not be required to pay 3 years back taxes plus interest and penalties. Yet the interest and penalties on this tax continue to increase each day and are quite beyond the means of most of these families where the primary breadwinner is disabled.

This provision was reported by the Ways and Means Committee in 1992, passed the House on the suspension calendar, included in H.R. 11 and vetoed by then President Bush. This provision enjoys the bipartisan support of the entire Connecticut Congressional delegation. I hope that the House will see fit to provide these Connecticut families with the tax relief they need most.

STOP ILLEGAL IMMIGRATION AND PROTECT UNITED STATES JOBS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MCCOLLUM. Mr. Speaker, today I am proud to introduce legislation which would improve the quality of the Social Security card and make it a crime to counterfeit work authorization documents. This is absolutely critical to our fight against illegal immigration. Several of my colleagues, including Mr. SCHUMER, Mr. STENHOLM, and Mr. HORN, join me in this effort.

Illegal immigrants come to the United States for one overwhelming reason: jobs. In response to this obvious magnet for illegal immigration, the 1986 immigration bill created employer sanctions, making the it illegal to knowingly hire an illegal alien. That law requires everyone seeking employment in the United States to produce evidence of eligibility to work. One of the documents that may be produced together with a driver's license to prove this eligibility is the Social Security card. The primary reason employer sanctions are not working today is the rampant fraud in the documents to prove eligibility to work, specifically the Social Security card. H.R. 2202 would reduce the number of documents that may be produced from 29 to 6. This helps, but one of the six is still the Social Security card. As long as it can be easily counterfeited, employer sanctions will not work.

Why is it so important to make employer sanctions work? There are 4 million illegal aliens in the United States today. This number increases by 300,000 to 500,000 annually. Most illegals are non-English speaking, poorly educated, and lacking in marketable skills. Their numbers are so large in the communities and States where they are settling that they cannot be properly assimilated, and they are having a very negative social, cultural, and economic impact.

Even if the southwest border were sealed—which it can't be—it would not solve the illegal immigration problem. Nearly 50 percent of illegals are here because they entered on legal temporary visas and did not leave. The only way to stop illegals from coming, through the border or otherwise, is to eliminate the magnet of jobs. The only way to do that is to make employer sanctions work.

Mr. Speaker, the bill I am introducing today will make major strides in our efforts to make employer sanctions work. Until sanctions work, our fight against illegal immigration will be in vain.

A BEACON-OF-HOPE FOR ALL AMERICANS: RANDALL BLOOMFIELD

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Randall Bloomfield is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Few doctors in central Brooklyn can match the impeccable record of achievement of Dr. Bloomfield.

Dr. Bloomfield is directly responsible for many community empowerment efforts. His vision, sincerity, and competence have resulted in the writing of proposals and the presentation of various studies that have educated the community. Over the years, he has made dozens of scholarly presentations on subjects such as ''Current Approaches to Gynecological Chemotherapy.'' In addition, he is coauthor of a proposal which gained funding for the Provident Neighborhood Health Center and has written numerous articles including one on Legislator-Physician relationships.

Throughout the years, Dr. Bloomfield has worked diligently in several positions that he found to be beneficial to his community. He currently serves as the chairman of the Moya Medical Scholarship Fund and is the co-chair of the Medgar Evers Medical Program.

Born in New York City, Dr. Bloomfield has served 2 years in the Army. He is a graduate of City College of New York and Downstate Medical Center. He is married to Edris L. Adams and the father of Diane Elizabeth and Robert Randall.

Randall Bloomfield is a Beacon-of-Hope for central Brooklyn and for all Americans.

INEQUITY IN THE TAX CODE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CRANE. Mr. Speaker, today I am introducing legislation designed to end an inequity that currently exists in our Tax Code. The Federal Unemployment Tax Act [FUTA] exempts certain churches and religious organizations operated by churches from having to pay State unemployment taxes. This exemption extends to schools directly operated by churches. Although church-operated schools are exempt, there is one class of religious schools which is presently not exempt—schools which, in equity and fairness, and for constitutional reasons, deserve this exemption.

The schools in this nonexempt class are religious schools which are not operated by churches, but are instead operated by lay boards of believers. Such schools are as pervasively religious as the church-operated schools. Indeed, nonchurch religious schools would not exist except for their religious mission and are, in every way except church affiliation, religiously indistinguishable from exempt schools. It is my understanding that these schools constitute about 20 percent of the membership of the Protestant evangelical schools in the country, and that, in addition, Catholic, Jewish, and other Protestant schools fall into this category.

Quite simply, these schools should not have to bear the burden of the FUTA tax. The intent and purpose of these schools are the same as those operated by churches. Not exempting such schools raises serious constitutional questions with respect to the free exercise and establishments clauses of the first amendment as well as the equal protection clause of the 14th amendment. Although an effort was made to bring this issue before the Supreme Court, the Court did not reach the merits and dismissed the case on other grounds. Recognizing the constitutional issues involved, the U.S. Department of Labor deferred the initiation of conformity proceedings for roughly 2 years against States which exempt these schools from State unemployment tax ''until the constitutional issue is definitively resolved.'' The constitutional issue has yet to be resolved and the Department of Labor has since started enforcing its interpretation of the law.

My legislation will clarify this issue once and for all by simply amending the Internal Revenue Code to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax. Many Members of Congress will find religious schools in their district that fall into this nonexempt category, and, moreover, will find that these schools merit equitable and constitutional treatment. I would ask my colleagues to join me in an effort to bring equity to this section of the Tax Code.

THE CARE ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KLECZKA. Mr. Speaker, in a cruel display of corporate greed, the Pabst Brewing Company last year announced its intention to renege on its promise to provide health and death benefits to its retirees. Following a court battle, Pabst appears to have succeeded: retirees and their families have lost benefits that were promised them in exchange for many years of loyal service to the company.

This outrage demonstrates a lack of corporate responsibility to dedicated former employees. This is not an isolated incident, but part of a disturbing nationwide trend. Over the past several years, thousands of workers and retirees across this country have faced similar cancellations and reductions of their health coverage. John Morel, Hormel, and General Motors are just a few of the corporations who have tried to leave their former workers stranded without health care—health care they were promised, and health care their long years of service earned. From meatpackers to clerical staff, this is a threat to the retirement security of all American workers.

We must act now. Last Congress, I introduced a bill which I am reintroducing today, the Health Care Assurance for Retired Employees Act—or the CARE Act—which would protect retiree health benefits and help retirees to obtain health insurance if their coverage is canceled.

The CARE Act would require employers to give 6 months notice to retirees and require the Labor Department to certify that the changes meet the requirements of the collective bargaining agreement.

It would also expand retirees' access to health care under COBRA for those aged 55 to 65 until they are eligible for Medicare.

Lastly, it would allow retirees who did not sign up for Medicare or Medigap to apply for the programs without late-enrollment penalties.

This type of atrocity must not be tolerated. We must ensure retiree security and prevent loyal former workers from being left out in the cold. Mr. Speaker, I ask my colleagues to show their support for retired workers and their families by cosponsoring this bill.

BALANCED BUDGET REQUIREMENT ACT OF 1997

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, today, along with our colleague Representative KAY GRANGER of Texas, I have introduced the Balanced Budget Requirement Act, legislation to require the President to submit to the Congress each year a balanced Federal budget and to forbid the consideration in the Congress of any budget resolution that does not provide for a balanced budget. These changes would take effect immediately, and are essential in implementing any Constitutional amendment to balance the Federal budget.

Specifically, the legislation provides that:

Beginning in fiscal year 1998, the President is required to submit a plan for achieving a balanced budget by 2002. Thereafter, the President must submit budgets to maintain a balanced budget for the current fiscal year and the 4 fiscal years following, unless there is a declared war or national security or economic emergency.

Upon submission of the President's budget, the Director of the Congressional Budget Office (CBO) determines whether the plan achieves a balanced budget and certifies to the Chairman of the House and Senate Committees on the Budget such. If the budget is certified as not being in balance, the Chairmen of the Budget Committees notify the President in writing within 7 calendar days. Within 15 days, the President may submit a revised plan to achieve a balanced budget.

It is not in order in the House or Senate to consider any concurrent resolution on the budget that does not achieve a balanced budget by fiscal year 2002. In 2002 and thereafter, it is not in order to consider any budget resolution that does not maintain a balanced budget. This section cannot be waived unless a joint resolution is enacted that declares war, a national security or national economic emergency.

Finally, the bill makes in order in both the House and Senate the consideration of the President's budget or revision as a substantive amendment to the budget resolution, without substantive amendment.

While essential, enactment of a balanced budget in the Congress and ratification of a balanced budget constitutional amendment is only the beginning, not the end. The Balanced Budget Requirement Act, together with diligence on our part, will keep the Federal budget balanced.

MARKING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE FAITH COMMUNITY CHRISTIAN REFORMED CHURCH

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. ROUKEMA. Mr. Speaker, in the days immediately following the adjournment of the 104th Congress, the members of the Faith Community Christian Church of Wyckoff, NJ celebrated the One-Hundredth Anniversary of the founding of their church. I ask my Colleagues to join me in extending their heartfelt congratulations and best wishes.

Formally established on October 1, 1896 in the Riverside neighborhood of Paterson, the congregation was originally known as the Fourth Christian Reformed Church. For nearly eight decades, the church members worshipped in Paterson. On April 5, 1975, the church structure was destroyed by a fire that claimed the life of a Paterson firefighter.

Clearly, a church such as this does not survive on structure alone. The community relocated to its current site in Wyckoff and assumed the name Faith Community Christian Reformed Church in September 1978.

Mr. Speaker, this church has remained steadfast to its Christian mission throughout its distinguished history. Perseverance and courage have been the watchwords of the congregation since its founding, but especially in the trying days following the 1975 tragedy.

Faith Community Christian Reformed Church has been a pillar of the northwest Bergen County community and is widely respected. The ministry that the church provides to the community is clear evidence of the ''faith of our fathers living still.'' Indeed, the church is following the traditions of the Christian faith of the founding fathers of this Nation.

Mr. Speaker, throughout this nation's history, faithful communities such as this church have formed the backbone of our society. At a time when many Americans are deeply concerned about the cultural and moral erosion of civil society, this church provides a center of worship and a solid foundation of faith for our families, our children and our communities. Just as this nation is a better place because of these churches, the dedicated service of the Faith Community Christian Reformed Church has enriched quality of life in Bergen and Passaic counties. Its contributions are adding to the rich tapestry of American life in northern New Jersey every day and deserve to be recognized as a part of the permanent historical record of our Nation through the CONGRESSIONAL RECORD.

My Colleagues, I invite you to join me in honoring the members of the Faith Community Christian Reformed Church on one hundred years of faithful service and extending best wishes for another century of service.

MEDICARE DIABETES EDUCATION AND SUPPLIES AMENDMENTS OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DINGELL. Mr. Speaker, I am pleased to add my name as an original cosponsor of the Medicare Diabetes Education and Supplies Amendments of 1997, introduced today by my colleague from Oregon, Representative FURSE. This long-overdue legislation will assist millions of diabetics, by ensuring that the relatively small costs of diabetes self-management training and glucose test strips will be covered by Medicare. The cost-effectiveness of managing diabetes has been well documented. Management significantly reduces and delays the onset of disabling or fatal consequences of this disease. Thus, the small investment Medicare makes ''up front'' pays off several times in savings over the long term. But most importantly, these simple, cost-effective techniques notably improve the quality of life for people with diabetes.

Many of my colleagues will recall Representative FURSE's valiant attempts to enact this legislation in the 104th Congress. Throughout that Congress, in the context of Medicare legislation and budget reconciliation, even to the last night of the second session, she worked to achieve that goal. I was glad to work with her in that effort. However, despite tremendous support from people with diabetes and their families, Members of Congress on both sides of the aisle, and the White House, the elusive prize was not to be won in that most rancorous of seasons. I hope that as we begin this quest again, we can place health policy ahead of partisan wrangling, and people

with diabetes ahead of politics. Let us enact this fine legislation as one of the first examples that we can and will work together to serve the American people. Let us take as our example the outstanding commitment of Representative FURSE to accomplish this objective not for personal or political gain, but because it is the right thing to do.

I am happy to be part of this effort, and look forward to speedy enactment of this important legislation.

INTRODUCTION OF LEGISLATION TO EXPAND THE PROTECTIONS OF THE FAMILY AND MEDICAL LEAVE ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CLAY. Mr. Speaker, today I am introducing legislation to expand the protections afforded by the Family and Medical Leave Act of 1993 (FMLA). The legislation I am introducing is substantially similar to legislation introduced in the last Congress by our distinguished former colleague, Patricia Schroeder.

The FMLA grants employees the right to unpaid leave in the event of a family or medical emergency without jeopardizing their jobs. As former chairman of the Subcommittee on Labor-Management Relations of the Committee on Education and Labor, I was privileged to work closely with pat Schroeder, the Hon. MARGE ROUKEMA, Senator CHRIS DODD, our former colleague the Hon. William D. Ford, and others to bring about the enactment of this important law. Necessarily, many compromises were made to bring about this precedent setting legislation.

Among the most important of those compromises was one that limited the applicability of the law to employers of 50 or more employees. My original intention had been to extend the law to employers of 25 or more employees. However, because of uncertainty regarding the impact of the law on employers and in order to increase support for the legislation, I agreed to accept the 50 employee threshold.

The effect of this compromise was to leave approximately 15 million employees outside of the protections afforded by the FMLA. The fact that an employee may work for an employer of 40 rather than 50 people does not immunize that employee from the vicissitudes of life, nor diminish that employee's need for the protections afforded by the FMLA.

The FMLA was signed into law on February 5, 1993. Experience has shown that the law does not unduly disrupt employer operations. Not only are the costs to employers of complying with the law negligible, but in many instances the FMLA has led to improvements in employer operations by improving employee morale and productivity, and by reducing employee turnover. Experiences has also shown that the protections afforded by the law are not only beneficial, but are essential in enabling workers to balance the demands of work and home when faced with a family or medical emergency. in short, we have now had sufficient experience under the law to justify extending the law to employers of 25 or more employees.

Beyond expanding the number of workplaces that are protected by the FMLA, the bill I am introducing also allows workers to take up to 24 hours of FMLA leave for the purpose of participating in school activities, to accompany children to routine dental or medical appointments, or to accompany an elderly relative to routine medical appointments or other professional services. The 24-hour provision was also originally a part of Mrs. Schroeder's legislation. However, I have modified those provisions to reflect a similar proposal that has been put forward by President Clinton. I urge my colleagues to support this legislation.

INTRODUCTION OF FIRE LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would create three additional enterprise zones targeted toward the financial institution, banking, and real estate or FIRE industries. I have consistently supported enterprise zones and think the intense competition for both the zone and community designation provides ample evidence of the broad support for these efforts.

My city of Hartford, CT applied for designation as an enterprise community but was denied. But when I started looking at the details, it was clear to me that while empowerment zones/enterprise communities are excellent economic development tools, they just don't quite fit all areas.

The tax incentives in empowerment zones include a wage credit, expensing of up to $75,000 and a loosening of restrictions on tax-exempt bonds—all incentives seemingly geared to manufacturing. Hartford and a number of other cities around the Nation, however, are different—our base is services and we would frankly benefit from a different mixture of tax incentives.

Let me talk about Hartford for a moment. Hartford has long been known as the insurance capital of the world. We have also traditionally been a center for financial services. However, any reader of the Wall Street Journal knows of the consolidation in the banking industry and that real estate in many parts of New England is still in a severe slump. On top of this, we are in the midst of unprecedented change in the insurance industry. In the past 3 years every major insurer in Hartford has either been a merger participant and/or acquired or jettisoned a major line of business.

But because this proposal isn't just about Hartford. In the past decade, we have seen unprecedented change in our financial services industries. We have had banking and S&L problems, face increasing competition in the global marketplace, and again this year will debate allowing banking, and other service industries including securities and insurance to affiliate. In addition, we have seen Bermuda attract over $4 billion in insurance capital in the past few years. It is certainly a beautiful place, but most important, it's also a tax haven.

And while change can be good, it does create a tremendous amount of uncertainty. With each and every merger or spinoff, every mayor and every city council, not to mention the thousands of affected employees who ask the same two questions: What does this mean for jobs; and what impact does this have on the property tax base and real estate values?

This legislation would create three additional zones with tax incentives targeted to services. Specifically, these FIRE zones would be patterned after existing enterprise zones, but could encompass an entire city or municipality, and more important, could include central business districts. Eligibility would be the same as for existing enterprise zones, with an additional requirement that an eligible city would have to have experienced the loss of at least 12 percent of FIRE industry employment, or alternatively, 5,000 jobs.

In lieu of traditional enterprise zone tax incentives, new or existing businesses in FIRE zones would receive a range of tax incentives.

First, to deal with jobs, there would be a wage credit for the creation of new jobs within the zone. This would encourage businesses to hire displaced and underemployed insurance, real estate, and banking workers as well as to create entry level jobs for clerks and janitors.

Second, to deal with the high commercial vacancy rate problem that plagues many cities, there would be unlimited expensing on FIRE buildouts and computer equipment. The proposal would also remove the passive loss restrictions on historic rehabilitation.

Next, to provide an incentive for investors, the proposal would provide for a reduction in the individual capital gains rate for zone property held for 5 years to 10 percent. In addition, capital gains on zone property would not be considered a preference item for individual alternative minimum tax purposes. The corporate capital gains tax rate would also be reduced, to 17 percent.

Finally, many big cities aren't always as safe as we would like. Therefore, the proposal would provide for a double deduction for security expense within the zone. This should give employers an added stake in the safety of our cities.

I would urge my colleagues to support this legislation.

NORTH MIAMI POLICE DEPARTMENT OFFICER OF THE YEAR, KEVIN KENNISON

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise today to recognize the North Miami Police Department's 1996 Officer of the Year, Officer Kevin Kennison. Chosen from a committee of his peers, his outstanding record in law enforcement makes him a fitting choice.

Officer Kennison joined the North Miami police force in June 1992. Quickly, he earned the respect of his peers and superiors through tenacity and dedication. In July 1993, he shared with several other officers the honor of Officer of the Month. Continuing his fine work, he again earned that title in August 1994 and October 1996.

Because of his unbridled enthusiasm, Officer Kennison was among the first chosen to participate in North Miami's Crime Suppression Unit, a specialized group of officers selected to target problem areas.

During 1996, Officer Kennison made in excess of 115 arrests, truly an astonishing number. Putting his life on the line in many instances, he has demonstrated great bravery. As his family and coworkers gather to recognize him for this achievement, I want to wish him continued success. Officer Kevin Kennison is truly an asset to our community, and we all congratulate him on a job well done.

ADVERSE EFFECTS OF INCREASING MEDICARE COST-SHARING ON THE POOR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STARK. Mr. Speaker, I thank the Members for this opportunity to address the House on the important issue of Medicare. In our attempt to cut Federal spending, we must consider the implications of those policy decisions on our Nation's most vulnerable citizens. Much has been said of the economical benefits of raising Medicare copayments and deductibles, but not enough has been said of the detrimental effects those cuts will have on Medicare beneficiaries with low incomes.

Many of my conclusions on the negative effects of higher cost-sharing on the poor are taken from the RAND health insurance experiment. The RAND experiment studied the rate of use of health services by assigning people to different levels of cost-sharing insurance programs. The results of that experiment should encourage us to take a good look at the effect our decisions will have on the health of the people we represent.

Mr. Chairman, the RAND experiment clearly showed that with increased out-of-pocket costs to the beneficiary; physician visits, hospital admissions, prescriptions, dental and vision visits, and mental health services use fell. While adverse health effects on the average person were shown to be minimal, statistics on the poor were rather disturbing. The study found that those with lower income levels suffered adverse health effects in many categories under the cost-sharing plan. The poor will forgo necessary medical attention as out-of-pocket costs of those services rise. This is a fact that undermines the original intent of this program.

Health areas most affected by a higher rate of cost sharing for the poor are hypertension, rate of mortality, dental and vision care. As an example of these findings, those with lower incomes who entered the experiment with high blood pressure benefited more under the free program than under the cost-sharing plan. Low-income groups have 46 percent more dental visits on the lower cost-sharing plan than on the higher. The higher income groups use dental services 26 percent more under the lower cost plan. Near and far vision statistics also improved in the lower cost plan and predicted mortality rates fell approximately 10 percent among the poor. In fact, Mr. Chairman, overall serious symptoms among the poor declined when the costs of care went down.

The determination made by this study and others is that those with higher needs and lower incomes are not more likely to spend money on necessary medical services. Higher cost-sharing in the attempt to reduce necessary treatment will also cause a reduction in the use of highly effective care. Furthermore, the experiment found significant decreases in highly effective care seeking poor beneficiaries.

Mr. Chairman, raising the cost of Medicare will raise even higher the rate of emergency room visits by the poor. Already, those in the lower third of the income distribution have emergency department expenses 66 percent higher than those of persons in the upper third of the income distribution. Raising Medicare costs will only make it more difficult for those with lower incomes to see a primary care, office-based physician and force those patients to seek attention in our country's overcrowded emergency rooms.

All of these facts lead us to the conclusion that if we raise the beneficiaries' obligation in the cost of Medicare, those with lower income levels will be unable to afford and will not seek out needed health services. We have an obligation to fiscally get these entitlement programs under control without putting the Nation's most needy in harms way. I urge all of my colleagues to consider these findings as we work to improve Medicare.

THE HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LAZIO of New York. Mr. Speaker, I come to the floor of the House today to introduce the Housing Opportunity and Responsibility Act of 1997, a bill to bring hope and opportunity to millions of Americans now living in public housing across the country.

It is fitting that I do this today, the first day of the 105th Congress, because the first day of a new Congress is about new beginnings. This legislation is about new ideas and new models, new opportunities for families and neighborhoods that for too long have fallen victim to the old way of doing business.

For 60 years, we have asked local communities to live under one law for public housing, the 1937 Housing Act. Cities and neighborhoods, struggling with the challenge of providing affordable housing for families and individuals, have had to rely on a Depression-era law to provide that housing. A single, top-down, cookie-cutter model for housing designed to shelter urban factory workers and create jobs for out-of-work craftsmen in the 1930's is not the best way to do business today.

We ask a lot of local communities when it comes to building and supporting affordable housing. It's time we gave them the tools they need to get the job done right, so that families get the housing they need in communities that promote opportunity.

By providing that opportunity and demanding responsibility—at all levels, from recipients of assistance to those providing housing services—we take those first few steps toward creating the kind of communities we can all take pride in. Many of my colleagues have complained that the problem is not the programs, but simply how much money the Federal Government spends. I disagree. While having sufficient funding is something I have fought for, especially for our most vulnerable communities, it's wrong for us in Congress to ask the American taxpayers to pay for programs that aren't working. We Americans are a generous people, we always have been. We understand that not everyone has the same opportunities that some of our neighbors have been given and we are willing to spend tax dollars to help lower-income families get their feet under them and get on their way. But we are not so generous if we think our money is being wasted.

In too many cities, public housing has become the kind of waste that taxpayers don't want to put their money into.

We can do better than this. In some communities, housing for low-income housing is what we've asked it to be—a way to a better life, rather than a way of life. We can learn from those success stories, we can take the knowledge we have gained and make a better framework for change.

One of the worst examples has been the way residents in public housing are discouraged from working, discouraged from getting a better job or working overtime. The reason for this perversity? A well-intentioned but ill-advised policy known as the Brooke amendment, which requires tenants in public housing pay exactly 30 percent of their income for rent—no more, no less—no matter what income they make. Get a better job, your rent goes up. Work overtime to try to build a little savings, to move your family out of public housing, your rent goes up.

When we tried to restructure the intent of the Brooke amendment last year, some of my colleagues protested, saying that our only goal was to raise rents for low-income families. Nothing could be further from the truth. Nevertheless, this bill I am introducing today has a new way to eliminate the work-punishing provisions of existing law by simply giving tenants a choice. Each year, the housing authority will select a rent for each unit. The tenant then can choose whether to pay that rent or 30 percent of their income, obviously choosing whichever is less expensive. That way, no one is asked to pay more than 30 percent of their income for rent, but we don't force them to keep paying higher and higher rents based on misguided Federal policies.

This Work Incentive Rent Reform is one example of the kind of compromise we can create that protects families, but still provides the type of opportunity we need to instill in Federal programs.

Last May, members from both sides of the aisle voted for a very similar bill, the Housing Act of 1996. The House showed overwhelming support for reform by voting 315 to 107 in favor of that bill. As we go forward with this similar, but improved bill, I hope that Members on both side of the aisle, Republicans and Democrats, will feel free to engage in constructive debate, to work with us to make these needed changes.

Sixty years is a long time to wait for reform. We shouldn't ask low-income families to wait another year.

TITLE BY TITLE SUMMARY OF THE HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The short title of the bill is the Housing Opportunity and Responsibility Act of 1997. The bill repeals the United States Housing

Act of 1937 (the ''1937 Act''), removes disincentives for residents to work and become self-sufficient, provides rental protections for low-income residents, deregulates the operation of public housing authorities, and gives more power and flexibility to local governments and communities to operate housing programs.

The Housing Opportunity and Responsibility Act declares that it is the policy of the federal government to, among other things, promote the general welfare of the nation by helping families who seek affordable homes that are safe, clean, and healthy, and in particular, assisting responsible citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control. These goals are to be achieved by developing effective partnerships among the federal government, state and local governments, and private entities, which would allow government to accept responsibility for fostering the development of a healthy marketplace, and allow families to prosper and thrive by removing disincentives to work and barriers to self sufficiency. It states that the federal government cannot through its direct action or involvement provide for the housing of every American citizen, but should promote and protect the independent actions of private citizens to develop housing and strengthen their own neighborhoods.

TITLE I—GENERAL PROVISIONS

Purpose. States that the purpose of the bill is to provide affordable housing opportunities to low income families by (1) deregulating and decontrolling public housing agencies; (2) providing for more flexible use of Federal assistance to housing authorities, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources; (3) facilitating mixed income communities (4) increasing accountability and rewarding effective management of public housing authorities; (5) creating incentives for residents of dwelling units assisted by public housing authorities to work; and (6)— recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market.

Income Definitions. Defines ''adjusted income'' for purposes of this Act to mean the difference between the income of the members of the family residing in a dwelling unit or the person on a lease and the amount of any income exclusions—some of which are mandatory—for the family as determined by HUD. Mandatory exclusions are for: (1) elderly and disabled families; (2) reasonable medical expenses; (3) child care expenses; (4) minors residing in the household; and (5) certain child support payments. Discretionary exclusions include, but are not limited to dependents, travel expenses; and earned income.

Drug/Substance Abuse. Permits a local housing and management authority to prohibit certain individuals with a history of drug or alcohol abuse from admission to units where admission may interfere with the peaceful enjoyment of the premises by other residents.

Community Work and Family Self-sufficiency Requirement. Requires adult residents of public housing or residents receiving assistance under Title III to enter into an agreement which provides that the resident contribut4e no less than 8 hours of work per month within the community in which the adult resides or participate on an ongoing basis in a program designed to promote economic self-sufficiency, and which sets a target date for when the family intends to graduate out of public or assisted housing. Exceptions include working families, senior citizens, disabled families, persons attending school or vocational training, or physically impaired persons.

Local Plans and Review. Requires each local housing and management authority to submit to a local elected official or officials that appoint the authority and then to the Secretary an annual Local Housing Management Plan that describes the mission, goals, objectives, and policies of the authority with respect to meeting the housing needs of low-income families. Discusses the standards by which the Secretary may review Local Housing Management Plans, notice of approval or disapproval, treatment of existing plans, and authority of a public housing authority to amend plans.

TITLE II—PUBLIC HOUSING

Block Grant Contracts. Provides general parameters for block grant contracts (capital and operating funds) to be entered into between the Secretary of Housing and Urban Development (the ''Secretary'') and public housing authorities. An authority must agree to provide safe, clean, and healthy housing that is affordable in return for assistance. Requires the Secretary to make a block grant to a local housing and management authority provided, in part, that the authority has submitted a community improvement plan, the plan has been reviewed and complies with the necessary requirements, and the authority is exempt from local taxes or receives a contribution in lieu thereof.

Uses. Authorizes grant uses for production, operation, modernization, resident programs, homeownership activities, resident management activities, demolition and disposition activities, payments in lieu of taxes, emergency corrections, preparation of Local Housing Management Plans, liability insurance, and payment of obligations issued under the 1937 Act.

Voluntary Voucher Conversion. Permits public housing authorities, in accordance with the Local Housing Management Plans, to move toward a voucher program for certain buildings after a cost-benefit analysis of maintaining and modernizing the building as well as an evaluation of the available affordable housing.

Formula Determination. Provides for development of a formula, through negotiated rulemaking, for distribution of block grant amounts to public housing authorities. Provides for interim allocations to public housing authorities pending the development of a formula Prescribes that chronically vacant units are ineligible to receive subsidy except to the extent of paying utilities.

Family Income Eligibility. Limits occupancy of public housing to families who, at the time of the initial occupancy, qualify as low-income. Public housing authorities may create a selection criteria for incoming residents that are aimed at creating an income mix that reflects the eligible population of that jurisdiction provided at least 35 percent of the units are occupied by families whose income does not exceed 30 percent of area median income. Certain income and eligibility restrictions may be waived by an authority that provides units to police officers, law enforcement and security personnel.

Family Choice of Rental Payment. Families residing in public housing will have a choice as to whether they would rather pay a flat rent for a unit, to be established by the public housing authority for each unit in its inventory, or to pay no more than 30% of the family's adjusted income as rent. The purpose is to allow public housing authorities to create rental structures that would reflect the asset value of the unit, similar to the private rental market and which would remove disincentives to families obtaining employment and achieving self-sufficiency, while maintaining income protections for the residents.

Minimum Rent. Provides that a public housing authority may establish minimum rental contributions between $25 and $50, provided certain hardship exemptions are established.

Designated housing for elderly and disabled families. Permits local housing and management authority to designate all or part of a development as only elderly, only disabled, or only elderly and disabled as long as the designation is part of the Local Housing Management Plan. The authority must establish that the designation is necessary to meet certain goals and needs and include information the supportive services and other assets that will be provided to serve the residents.

Resident Management Initiatives. Allows residents or non-profit resident management corporations to assume the responsibility of managing or purchasing a development. The corporation must be organized under state law, has as its sole voting members the residents of the development, and have the support of its resident council (if one exists), or alternatively, a majority of the households of the development. Allows a public housing authority to contract with a resident management corporations to manage one or more developments.

Authorization of Appropriations. Authorizes $2.5 billion as the appropriation level for each fiscal year through 2002 for the capital fund, and $2.9 billion through fiscal year 2002 for the operating fund.

TITLE III—CHOICE-BASED RENTAL HOUSING

Grants. Authorizes the Secretary to make grants to public housing authorities and authorizes contracts for one fiscal year.

Formula Allocation. Requires the Secretary to determine a formula for allocating assistance based, in part, on census data, various needs of communities, and the comprehensive housing affordability strategy of a community, pursuant to a negotiated rulemaking process. Up to 50 percent of the funds that are unobligated by a local housing and management authority for a period of 8 months may be recaptured by the Secretary.

Administrative Fees. Sets administrative fees for public housing authorities at 7.65 percent of grant amount for the first 600 units at fair market rent for a two bedroom and 7.0 percent of the grant amount for all units in excess of 600. The Secretary may increase this fee in certain circumstances.

Authorizations. Authorizes $1,861,668,000 under this title as the appropriation level for each fiscal year through 2002.

Income Targeting. Not less than 40% of the families assisted with choice-based assistance must be families with incomes at or below 30% of the area median income.

Portability. Establishes national portability for recipients of choice-based assistance.

Resident Contribution and Rental Incidators. The resident contribution shall not exceed 30% of the monthly adjusted income of the family. Requires the Secretary to establish and to publish annually rental indicators for a market area that may vary depending on the size and type of the dwelling unit. The rental indicators shall be adjusted annually based on the most recent available data.

Homeownership Option. Allows public housing authorities to use funds under this title to assist low-income families toward homeownership. Eligible families must have an income from employment or sources other than public assistance, and must meet initial and continuing requirements established by the authority.

Housing Assistance Payments Contracts. Allows public housing authorities to enter into

contracts with owners by which owners screen residents, provide units for eligible families, and authorities make payments directly to owners on behalf of the eligible families. The authority may enter into a contract with itself for units it manages or owns.

Amount of Monthly Assistance Payment, Shopping Incentive and Escrow. States that the monthly payment for assistance under this title is in the case of a unit with gross rent that exceeds the payment standard for the locality, the amount by which the payment standard exceeds the amount of the resident's contribution and, in the case of a unit with gross rent that is less than the payment standard, the amount by which the gross rent exceeds the resident's contribution. Half of any savings under (b) are escrowed into a fund on behalf of the tenant, the remainder to be returned to the federal treasury.

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

Allows local governments and jurisdictions to create and propose alternative programs for better delivery of housing services using funds that otherwise would have been provided to these localities through the federal programs. Localities would be able to consolidate public housing and choice-based rental assistance funds. The local plan would have to meet certain federal requirements, and would be subject to approval by the Secretary. HUD would enter into ''performance agreements'' with the jurisdictions setting forth specific performance goals.

TITLE V—ACCOUNTABILITY AND OVERSIGHT PROCEDURES

Study of Various Performance Evaluation Systems, Establishment of Accreditation Board. Requires that a study be conducted of alternative methods to evaluate the performance of public housing agencies, the results of which shall be reported to Congress by the Secretary within six months of the date of enactment of this legislation. Six months after completion of the study and receipt by Congress, a twelve-member Housing Foundation and Accreditation Board (the ''Board'') is established with the purpose of developing an alternative evaluation and accreditation system for public housing authorities.

Annual financial and performance audits. Requires each public housing authority to conduct an annual financial and performance audit. Procedures for the selection of an auditor, access to all relevant records, design of audit are described. The Secretary may withhold the amount of the cost of an audit from an authority that does not comply with this section.

Classification by performance category. Provides for four classifications for housing authorities, including troubled housing authorities. Requires an authority classified as troubled to enter into an agreement with the Secretary that provides a framework for improving the authority's management.

Removal of Ineffective PHA's. Authorizes the Secretary to (a) solicit proposals from other entities to manage all or part of the authority's assets, (b) take possession of all or part of the authority's assets, (c) require the authority to make other arrangements to manage its assets, or (d) petition for the appointment of a receiver for the authority, upon a substantial default by a housing authority of certain obligations. The Secretary may provide emergency assistance to a successor entity of an authority. Allows an appointed receiver to abrogate contracts that impede correction of the default or improvement of the authorities classification, demolish and dispose of assets in accordance with this title, create new public housing authorities in consultation with the Secretary.

Mandatory takeover of chronically troubled PHA's. Requires the Secretary to takeover each chronically troubled public housing agency not later than 180 days after the date of the enactment. The Secretary may either solicit proposals and take the necessary actions to replace management of the agency or take possession of the agency.

TITLE VI—REPEALS AND CONFORMING AMENDMENTS

Provides for repeal of the United States Housing Act of 1937. However, the effective date of this act is delayed for six-months after date of enactment to allow HUD time to identify any technical corrections that would be required resulting from such repeal. In addition, the Secretary may delay implementation (until no later than October 1, 1998) of any section in order to avoid undue hardship or if necessary for program administration, provided the Secretary notify Congress.

TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

Include various miscellaneous provisions, including a prohibition against HUD establishing a national occupancy standards, technical corrections to legislation governing the use of assisted housing by aliens, amendments to HOME and CDBG income eligibility to promote homeownership, and provisions governing the use of surplus government property by homeless providers and self—help housing programs.

IDEA IMPROVEMENT ACT OF 1997

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RIGGS. Mr. Speaker, I am pleased to join Chairman GOODLING, and others, in the introduction of the IDEA Improvement Act of 1997. I will serve as the chairman of the Subcommittee on Early Childhood, Youth and Families during the 105th Congress. I care deeply about ensuring that all children receive a quality education. There is nothing more important to the future of our country than providing the opportunity for a high quality education for all Americans. I believe that this can be achieved by working together to build on what works: basic academics, parental involvement, and dollars to the classroom, not bureaucracy.

We must ensure that children with disabilities are not denied the opportunity for a high quality education. The IDEA Improvement Act of 1997 will help children with disabilities by focusing on their education instead of process and bureaucracy, by increasing parents' participation, and by giving teachers the tools they need to teach all children.

The bill I have cosponsored is nearly identical to the bipartisan IDEA Improvement Act of 1996. That bill, which passed the House in June 1996 without a single dissenting vote, made numerous changes to current law. The 1997 bill changes the focus of the Act to education, not process and bureaucracy. It ensures evaluations for special education so that schools will consider whether other needs are the primary cause of a child's learning problems. These could include inability to speak English, or lack of previous instruction in reading and math.

Another change focusing on education is in the area of due process. The IDEA Improvement Act will shift the focus of dispute resolution from litigation to mediation—focusing on the real needs of the child. Similarly, prior to the commencement of any litigation and unlike current law, parents and schools will be required to disclose their concerns about the child's education to the other party. I believe this will lead to conflict resolution and education for the child, instead of more litigation and attorney's fees.

Parental involvement is an important hallmark of this bill. Under the bill, parents will be given the right to access all of their child's records and participate in any decisions on the placement of their child. Parents will be able to receive regular, meaningful updates about the progress their child is making, in another marked change from current law. This will further ensure that a child with a disability receives a quality education, not simply passes through an educational process.

Finally, the bill will ensure that teachers have the tools they need to teach all children. The bill will shift decisions on the expenditure of Federal training funds from the Federal Government to States and localities. That change will mean more general and special education teachers receiving the in-service training they need, instead of the pre-service training for special educators that the universities desire. The bill will eliminate the incidental benefit rule, which prevents schools from allowing even an incidental benefit from IDEA funds from deriving to other students, even if doing so would result in substantial aggregate cost savings, which can be used to educate all children.

I would like to briefly comment on the process that has led to this bill's introduction. During the past 2 months, I met with a number of members of the disability and education communities to learn their views on last year's bill and the need for reforming IDEA in general. During my discussions with the disability community, they expressed their appreciation for our initial intention to introduce a bill that is silent on the issue of whether schools may expel students with disabilities without education services in cases where such expulsion is permitted by local law and where the child's actions are unrelated to their disability.

I had taken that action as a sign of good faith that the topic of student discipline would be discussed in a fair and open manner by the committee. Our hope was that all groups would agree to such a free, democratic process.

Following my conversation with representatives of the disability community, I was both surprised and saddened to receive a letter from the co-chairs of the Consortium for Citizens with Disabilities asking Chairman GOODLING and me not to introduce a bill at this time. They indicated that there was insufficient time in this new Congress for my Democrat counterparts to consider a new bill. They were also concerned that the bill would be represented as having their support because it is based on last year's bill, the contents of which drew heavily from the disability and education group consensus process that occurred in the spring of last year.

I do not believe our introduction of the IDEA Improvement Act of 1997, which has only technical changes from the bill that passed the House unanimously last year, will result in any undue difficulty for our committee's Democrats. Being based on last year's bill, the 1997 bill draws from the four hearings and six drafts that preceded the House's later bipartisan passage of that bill.

I certainly do not expect that this legislation will be greeted by immediate, unconditional support from all parties. I do, however, expect that interested parties will use this new bill as the basis of discussion in the coming months.

Because the disability community has apparently decided against supporting such a process of open discussion, the cosponsors of this bill and I have chosen to introduce a bill which includes all provisions of the bill which has received bipartisan support in the House of Representatives. That bill included provisions on cessation of education services.

Reauthorization of the Individuals with Disabilities Education Act will be the first priority of my subcommittee in the 105th Congress. Chairman GOODLING and I will once again attempt to reach a consensus with all of the groups affected by our legislation.

IDEA IMPROVEMENT ACT OF 1997

HON. WILLIAM F. GOODLING
OF PENNYSLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLING. Mr. Speaker, today over one dozen of my colleagues and I have introduced the IDEA Improvement Act of 1997, amending the Individuals with Disabilities Education Act [IDEA]. I have long been concerned about ensuring that all children receive a high quality education. There is nothing more important to the future of our country than providing the opportunity for a high quality education for all Americans. My colleagues and I believe this can be achieved by working together to build on what works: that means improving basic academics, increasing parental involvement, and moving dollars to the classroom.

In my view, this bill represents a significant step toward local schools delivering a high quality education to all children with disabilities. I have long supported improving the quality of education for children with disabilities. Last year, I worked hard for the passage of the IDEA Improvement Act of 1996, H.R. 3268. That bill passed the House in the 104th Congress by a unanimous vote. I have also long pushed the Appropriations Committee for increased funding for the Part B Program. Last year, my efforts were rewarded with over $700 million in new funding being appropriated to IDEA.

Like H.R. 3268, the IDEA Improvement Act of 1997 focuses the act on children's education instead of process and bureaucracy, gives parents greater input in determining the best education for their child, and gives teachers the tools they need to teach all children well. These are the changes that are necessary to provide a high quality education for all children with disabilities.

The changes in the IDEA Improvement Act will have a real and positive impact on the lives of millions of students with disabilities. When enacted, the bill will help children with disabilities learn more and learn better, which should be the ultimate test of any education law. Students with disabilities will now be expected, to the maximum extent possible, to meet the same high educational expectations that have been set for all students by States and local schools. There will be an emphasis on what works instead of filling out paperwork. No longer will teachers be forced to complete massive piles of unnecessary, federally required forms and data collection sheets. These changes will mean more time for teachers to dedicate to their students, and fewer resources wasted on process for its own sake.

The IDEA Improvement Act will help cut costly referrals to special education by emphasizing basic academics in the general education classroom. In the 1994–95 school year, 2.5 million of our Nation's 4.9 million special education children were there because they have learning disabilities. Many of these problems could be addressed with better academics in the early grades.

The IDEA Improvement Act has addressed this issue in several ways. First, following every evaluation of a child for special education services, school personnel will need to consider whether the child's problems are the result of lack of previous instruction. Too often, children whose primary problems result from a lack of reading skills enter special education because their problem was not properly addressed with basic academics. This change will result in fewer children being improperly identified as disabled because of their actual need, lack of skills, will be noted and addressed in a general education setting.

Second, the bill's discretionary training program will provide necessary training for general education teachers that is not being provided today. Current Federal training grant programs ultimately focus on their resources on pre-service training for special education teachers, because universities that receive the grants decide what the priorities for training are. While such training is important, where local teachers and schools are given the opportunity to decide what priorities are most important, they consistently cite in-service training, particularly for general education teachers, and pre-service training for early-grade general education and reading teachers. This bill will refocus Federal efforts by putting the decision making power with States and local schools, who are in a better position to recognize and serve their local needs. This will mean teachers will be better trained to teach children in the critical early grades, which will lead to better taught children and ultimately, fewer special education referrals.

Third, the IDEA Improvement Act will eliminate many of the financial incentives for overidentifying children as disabled. The change in the Federal formula, which I will talk about shortly, will reduce the Federal bonus for identifying additional children as disabled. Hopefully, States will follow suit, moving toward similar formulas. The legislation will also ensure that States do not use placement-driven funding formulas that tie funds to the physical location of the child. Such incentives encourage children to be placed in more restrictive settings, from which they are less likely to ever leave. They also encourage placement in special education in the first place, particularly children with mild disabilities that might best be served in general education classrooms with more assistance, instead of separate classrooms.

The legislation will also help ensure that assignment to special education is not permanent. Children are often referred to special education in early grades and then never leave. Part of the problem lies with the child not keeping pace with their peers. Special education plans often have no link to the general curriculum. Therefore, children remain in special education because they lose contact with what other children their age are learning and can no longer keep up. This legislation will ensure that the general curriculum is part of every child's Individualized Education Program [IEP] or justifies why it is not.

The bill will assure parents' ability to participate in key decisionmaking meetings about their children's education and they will have better access to school records. They will also be updated no less regularly than the parents of nondisabled students through parent-teacher conferences and report cards. Parents will be in a better position to know about their child's education, and will be able to ensure that their views are part of the IEP team's decisionmaking process.

The bill ensures that States will offer mediation services to resolve disputes. Mediation has proved successful in the nearly three-quarters of the States that have adopted it. This change will encourage parents and schools to work out differences in a less adversarial manner. The bill will also eliminate attorney's fees for participating in IEP meetings, unless they have been ordered by a court. The purpose of this change is to return IEP meetings to their original purpose, discussing the child's needs.

Our legislation will reduce litigation under IDEA by ensuring that schools have proper notice of a parent's concerns prior to a due process action commencing. In cases where parents and schools disagree with the child's IEP, the school will have real notice of the parent's concerns prior to due process. We hope that this will lead to earlier resolution of such disputes without actual due process or litigation.

Local principals and school administrators will be given more flexibility. There will be simplified accounting and flexibility in local planning. No longer will accounting rules prevent even incidental benefits to other, nondisabled children for fear of lost Federal funding.

The bill will make schools safer for all students, disabled and nondisabled, and for their teachers. Expanding upon current procedures for students with firearms, we will enable schools to quickly remove violent students and those who bring weapons or drugs to school, regardless of their disability status. The bill will ensure that such children can quickly be moved to alternative placements for 45 days, during which time the child's teachers, principal, and parents can decide what changes, if any, should be made to the child's IEP and placement.

The legislation will also ensure that disability status will not affect the school's general disciplinary procedures where appropriate. In discipline cases, the child's Individualized Education Program team will determine whether the child's actions were a manifestation of his or her disability. If they were not, schools will need to take the same action with disabled children as they would with any other child. This would include expulsion in weapons and drug cases where that is permitted by local or State law.

Finally, I would like to talk about the funding which will determine how much of the Federal appropriation each State will receive. Let me say first of all—no State will lose funds through the first 5 years of the transition to the new formula. This bill moves from allocating funds to the States based on a ''child count''

of children with disabilities to a population-based formula with a factor for poverty. The new formula is based 85 percent on the number of children in the State and 15 percent on State poverty statistics. This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers.

In addition no State should ever receive less than it received in fiscal year 1996. Because of the substantial increase in IDEA Part B funding appropriated by the Congress for fiscal year 1997, 49 States will never receive less than they received last year. And that final State will never be affected if there are modest increases in IDEA funding between now and fiscal year 2007, and if not, only then in 2007.

The Clinton administration recognized the problem with the current system when it presented its proposal to the 104th Congress, suggesting a population-based formula with future funding. Many of my Democratic colleagues also recognized the importance of this change when they introduced that bill last year as H.R. 1986. In 1994, the Department of Education's Inspector General recommended changing the formula exactly as we have changed it in this bill. They called the current formula a ''bounty system'' that encourages putting children in special education when they should not be.

The IDEA Improvement Act of 1997 reflects an 18 month process of bipartisan efforts to improve upon IDEA. Because of the bipartisan passage of last year's bill, the bill we introduce today contains only a few technical changes from last year's bill. These changes include moving forward by 1 year various implementation dates within the bill and the inclusion of private school and charter school representatives on State advisory boards. The latter change was inadvertently left out of the bill as it passed the House in June 1996. In all other ways, the IDEA Improvement Act of 1997 is identical to last year's bill.

Ensuring a quality education for students with disabilities through the IDEA Improvement Act of 1997 is my committee's No. 1 educational legislative priority. As such, Subcommittee Chairman FRANK RIGGS will hold a pair of hearings in February with full committee consideration coming soon thereafter. It is our intention to have the IDEA Improvement Act of 1997 passed by the House prior to the end of this spring.

Before closing, I would also like to comment on the developments of the last 8 weeks that led to this bill's introduction. In November, Subcommittee Chairman FRANK RIGGS had a number of conversations with interested individuals and groups about IDEA and our committee's plans for introducing a new IDEA Improvement Act. At that time, Representative RIGGS stated our committee's intention to leave certain provisions out of the 1997 bill that were included in the 1996 bill. These provisions related to the ability of States and localities to discipline all students, including students with disabilities whose actions are unrelated to their disability, in accordance with local policy. This would include expulsion without educational services where that practice is permitted by local law for students with weapons or illegal drugs.

At that time, we had decided to leave those 1996 bill provisions out of the 1997 bill, essentially making the bill silent on the issue of ceasing education services to children with disabilities who have been expelled because of their conduct. We intended to do so as a sign of good faith to the disability community, who had indicated their discomfort with those provisions—a sign that we intended to have a full public debate on this issue. I expected that this gesture would be taken as a welcome sign by these groups. My expectation was that they would respond by indicating their willingness to participate in a vigorous public debate about this and other important issues surrounding the education of children with disabilities. I was greatly disappointed to learn that this was not the reaction of the disability community.

On December 20, 1996, the cochairs of the Consortium for Citizens with Disabilities sent a letter to me and Representative RIGGS asking that we postpone introduction of IDEA reform legislation. They said that while they applauded our earlier decision to introduce legislation that was silent on the issue of cessation, they had other concerns about other issues addressed in the 1996 bill. More pointedly, the letter remarked that ''no disability organization supported [the 1996] legislation.''

The cochairs wrote briefly about the consensus process that led to the final form of the 1996 bill, and thus, the IDEA Improvement Act of 1997. The consensus process occurred last year when disability and education groups asked me if the bill's markup could be postponed so that these groups could make consensus recommendations. About 85 percent of the ''consensus group'' recommendations were incorporated into the 1996 legislation. The cochairs' letter said that the disability community's purposes in supporting the consensus document was ''to keep the legislative process moving'' and that they ''have never supported, and will never support, the consensus document as an acceptable final set of recommendations that should be enacted into law without further revision.''

I was saddened to receive this letter. I simply find it hard to believe that it would be inappropriate to introduce legislation to reform a law when very similar legislation has been actively debated during the previous 18 months; has seen six distinct incarnations circulated or introduced; has seen four hearings held during the 104th Congress; and has seen passage of that legislation by the House of Representatives without a single dissenting vote less than 7 months before.

I was troubled as well by the group's position on the consensus recommendations and their incorporation into our 1996 bill. Neither I, nor any of our committee's members, believed that the consensus recommendations would be enacted into law without change. We understood that further debate and a conference with the Senate would be necessary before the law would be enacted.

Given this letter, I must believe that certain segments of the disability community are not interested in debating these important issues. They are not interested in releasing a working legislative document to the public at large for the consideration of all interested parties. That position is absolutely contrary to mine. As chairman, I am interested in an open discussion of reform options in a public hearing where everyone can comment on a range of proposals. The IDEA Improvement Act serves that purpose well, and I am proud to be its sponsor.

While I had previously stated that I intended to introduce a bill that included a sign of good faith for the disability community, I must take the cochairs' letter as a rejection of that sign. For that reason, I have chosen not to introduce such a bill. Instead, I have introduced a bill that saw unanimous passage just 7 months ago in the House.

The IDEA Improvement Act is the most important change to America's special education system since the passage of Public Law 94–142 in 1975. Overall, America's special education system as currently structured has not accomplished what is necessary to educate all children with disabilities. There is broad agreement on the need to change. Results are important. Accountability is important. I believe this bill will help give America's children with disabilities what they were promised 21 years ago: the real opportunity to receive a high quality education. I urge my colleagues to join us in this effort.

IN SUPPORT OF REP. BOB DORNAN'S REQUEST FOR A FORMAL INVESTIGATION BY THE HOUSE OVERSIGHT COMMITTEE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STEARNS. Mr. Speaker, today I was officially sworn in as a member of the 105th Congress as were my 434 colleagues.

I was heartened to learn that although Ms. LORETTA SANCHEZ was sworn in to represent the 46th district of California, this would in no way prejudice Congress' consideration of the request made by former Representative Bob Dornan that Congress initiate a formal investigation into certain voter irregularities, which have occurred in the election in District 46, California on November 5, 1996.

I would caution my colleagues that this is not some bogus demand being made as a vendetta, nor is it groundless and without merit. There are proven cases of voter fraud in this election, which have already been acknowledged and verified. My major concern is that we must not allow our election process to become a sham merely because it is perceived to be politically correct. As a result of an initial investigation into this matter, an arm of the office of the Immigration and Naturalization Service [INS] has already been ordered by INS to shut down its citizenship testing program as of January 6, 1997.

Have we forgotten the struggles of minority citizens and women and their efforts to attain the right to vote?

Mr. Speaker, this request is not without precedent, I call to your attention McCloskey and MCINTYRE in the 99th Congress, 1st session or Roush versus Chambers 87th Congress, 1st session. These two cases involved dispositions to the House concerning Federal elections.

This country prides itself the fact that we are a democracy and abide by the axiom of ''One man; one vote.'' However, I would like to quote a well known playwright who wrote: ''It's not the voting that's democracy; it's the counting.''

[From the Washington Post, January 4, 1997]

INS HALTS INTERVIEWS AT CALIFORNIA ORGANIZATION

(By William Branigin)

With allegations of vote fraud continuing in one of the most hotly contested congressional elections, the Immigration and Naturalization Service is distancing itself from an organization that reportedly registered immigrants to vote before they became citizens.

The INS this week suspended citizenship interviews at three Los Angeles area offices of Hermandad Mexicana Nacional, a Hispanic and immigrant rights group, pending the outcome of voting probe. To streamline the naturalization process, the INS had been conducting final citizenship interviews at the group's offices with applicants who had passed English and civics tests administered by Hermandad.

According to published reports, dozens of Hermandad clients illegally registered to vote after passing the tests and the INS interviews, but before they being sworn in as citizens. Some said they had registered to vote at Hermandad offices while INS officers were present.

Of more than 1,300 people registered by Hermandad last year, nearly 800 reportedly cast ballots Nov. 5. At least some of them voted in the California district in which Rep. Robert K. Dornan, 63, a Republican, lost by 979 votes to Democrat Loretta Sanchez, 36.

Dornan blamed his defeat on alleged irregularities, including voting by noncitizens and felons. He filed a complaint with the House seeking to overturn the election result. Sanchez, a member of the district's growing Hispanic population, said a recount had confirmed her victory. She is scheduled to be sworn in when Congress convenes Tuesday.

''I don't want to be the first person in history, man or woman, House or Senate, to be voted out of office by felons, by people voting who are not U.S. citizens, who are felons or children or people not allowed to vote,'' Dornan said in a television interview last month. He charged that up to 1,000 noncitizens and felons had cast ballots.

Republican members of a House subcommittee have accused the INS of improperly naturalizing criminals in a rush to produce new pro-Democratic voters in time for the Nov. 5 elections.

The Los Angeles Times reported last week that 19 noncitizens acknowledged voting in the Dornan-Sanchez race before completing the naturalization process. All said they had registered to vote at Hermandad, 18 of them after taking citizenship classes there and passing a test and INS interview, the paper reported. They did not say whom they voted for.

The Orange County Register reported that 30 Hermandad clients had registered to vote weeks before they were sworn in, although all but four became citizens before the election. It is nevertheless a felony under state law to register to vote before becoming a citizen. Under a new federal immigration law, noncitizens who vote are ineligible for naturalization and can be deported.

The Orange County District Attorney's Office began investigating ''possible registration and voting'' by ineligible persons, but has not collected enough evidence to prosecute anyone, Assistant District Attorney Wallace Wade said.

Richard Rogers, INS district director in Los Angeles, said that pending the investigation, the INS would no longer interview citizenship applicants at three Hermandad testing sites, requiring applicants to come to an INS office. He said INS officers would routinely ask applicants if they had voted.

A spokesman for Hermandad, Jay Lindsey, said the group takes the allegations ''very seriously'' and is conducting a review to determine if any regulations were violated. He denied that the group knowingly committed voter fraud and said ''we do not engage in politics.''

Some Hermandad sites are affiliates of Naturalization Assistance Services, Inc., one of five companies designated by INS to conduct citizenship classes and testing. The firm ran into trouble last year after evidence of fraud was found at some of its sites. Last week, the INS ordered it to shut down its citizenship testing program on Jan. 6.

Hermandad also has sites affiliated with another company, which will continue to administer citizenship tests and prepare applicants for INS interviews.

IN SUPPORT OF THE MEDICARE DIABETES, EDUCATION AND SUPPLIES ADMENDMENTS

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NETHERCUTT. Mr. Speaker, as Co-Chair of the Congressional Diabetes Caucus, it is with pleasure that I support the Medicare Diabetes Education and Supplies Amendments of 1997, introduced today by Representative ELIZABETH FURSE. Representative FURSE and I formed the Congressional Diabetes Caucus to promote awareness of diabetes and its consequences within Congress. This bill is an important step toward providing diabetics with the tools they need to control the negative repercussions and cost of diabetes.

When my daughter, Meredith, was diagnosed with the disease in 1987, I became actively involved with learning more about the disease, its causes, complications and the cost to American society. Before entering Congress, I also served as president of the Spokane chapter of the Juvenile Diabetes Foundation.

Over 16 million Americans suffer from diabetes. The resulting financial cost to society is staggering. An estimated $138 billion or 14 percent of U.S. health care dollars, is spent on diabetes. The last several years have been encouraging for those working to find better treatments and a cure. Last year, doctors successfully transplanted insulin-producing cells into patients with type I diabetes. Researchers have also located genetic markers for diabetes, which should make it possible to identify patients at high risk. Additionally, the vaccine BCG has induced long-term remission of diabetes if given during the earliest stage of the disease.

I am confident that a cure for diabetes is within our reach. In the meantime, however, the Federal government must avail itself of advances in treatment knowledge. In the private sector, we have seen that comprehensive diabetes education reduces both diabetes specific complications and overall health care costs. For example, Merck-Medco Managed Care, Inc. has realized a total per diabetic patient health care cost reduction of $441 since beginning an innovative diabetes education program.

The Medicare Diabetes Education and Supplies Amendments of 1997 will employ some of the knowledge learned in the private sector by providing diabetes self-management training under Medicare. The bill will also expand coverage of blood testing strips to include all people with type II diabetes. Self-management training and access to blood testing strips are crucial to controlling the high health care costs associated with this disease. It is known that when diabetics keep their blood glucose level as close to normal as possible, the risk of complications can be reduced by as much as 65 percent.

I encourage my colleagues to support this legislation.

I am including for the RECORD the following statements from organizations in support of this legislation: The American Diabetes Association, the Juvenile Diabetes Foundation, the American Association of Diabetes Educators, the American Dietetic Association, the Endocrine Society, Eli Lilly and Co., and the Community Retail Pharmacy Coalition.

STATEMENT BY THE AMERICAN DIABETES ASSOCIATION IN SUPPORT OF LEGISLATION TO IMPROVE MEDICARE COVERAGE FOR PEOPLE WITH DIABETES

There are few, if any, issues facing the nation that have stronger bipartisan support than the diabetes Medicare reform legislation being introduced today by Representatives Elizabeth Furse and George Nethercutt. There are none, in our opinion, for which there is a greater need.

Diabetes is a prevalent, serious and costly disease and is increasing at a shocking rate. Since the '60s the number of cases has tripled to 16 million. Since 1992, the direct costs of caring for people with diabetes have doubled to its current sum of $91.1 billion a year. This figure does not begin to account for the staggering losses in productivity for our economy and well-being to Americans. When indirect costs are included, diabetes costs our economy nearly $138 billion a year, more than any other single disease.

Medicare alone spends one-quarter of its budget, nearly $27 billion a year, treating people with diabetes. Approximately half of all diabetes cases occur in people older than 55 years of age. However, the complications and hospitalizations associated with the disease (blindness, amputation, kidney failure, heart disease and stroke) can be delayed or avoided altogether with proper care. Our nation is only now coming to this realization.

The improvement in diabetes care embodied in this legislation represents the only preventive care measure ever scored (analyzed for its economic implications) by the Congressional Budget Office (CBO) to save money. According to the CBO analysis, each day Congress waits to enact these Medicare reforms costs taxpayers an additional $500,000.

This legislation, which incorporates two bills introduced in the 104th Congress, H.R. 1073 and H.R. 1074, has widespread support on both sides of the aisle. H.R. 1073 had 250 cosponsors in the last Congress. Of the more than 4,000 bills introduced in the 104th Congress, only 12 had more cosponsors.

During the fall election campaign, 180 members of the incoming 105th Congress demonstrated support for improving diabetes coverage by completing the American Diabetes Association's Diabetes '96 Candidate Survey. Two hundred and eighty-nine (289) Members of the 105th Congress either cosponsored legislation or signed the Candidate survey. Of the 289 supporters, 116 (40.1%) are Republicans and 173 (59.9%) are Democrats.

Leaders of both political parties have stated their strong support for this legislation. This legislation was included in President Clinton's FY '97 budget proposal and according to the White House, will be included in

FY '98. Minority Leader Gephardt has noted that the provisions of the bill, if enacted, ''would help every individual and family coping with diabetes and save billions of dollars in future Medicare spending.''

Speaker Gingrich cosponsored identical legislation (H.R. 4264) in the 104th Congress and has said that addressing diabetes is one of his top four legislative priorities. During the fall election campaign, Presidential candidate Robert Dole noted that ''improved Medicare and private insurance coverage of necessary diabetes supplies and education would save lives and reduce the cost of diabetes-related illnesses to both the taxpayer and the private sector.''

The growing awareness of the seriousness of diabetes, along with the strong support of President Clinton, Speaker Gingrich and Congress, is crystal-clear mandate for immediate action to improve Medicare coverage for diabetes. There is no reason to wait. Any delay necessarily risks the health of the 3 million seniors diagnosed with diabetes and will waste millions of taxpayers dollars.

JDF SUPPORTS LEGISLATION TO EXPAND MEDICARE COVERAGE FOR DIABETES-RELATED SERVICES

The Juvenile Diabetes Foundation International (JDF), which gives more money directly to diabetes research than any other non-profit health agency in the world, strongly supports expedited passage of legislation which would make available to millions of older Americans the diabetes self-management training and critical testing equipment needed to attain better control of blood glucose levels, thereby helping to delay debilitating and life-threatening complications. It is imperative that, while we pursue the longer-term objective of a cure for diabetes through research, all people battling this insidious and devastating disease have access to the most advanced, proven diabetes management regimens and technologies available. This additional Medicare coverage makes tremendous economic sense for the country as well, given the fact that treatment for diabetes-related complications accounts for more than 27 percent of the total Medicare budget.

Despite medical and technological advances, people with diabetes continue to die and suffer life-threatening complications as a result of the disease. JDF believes that ultimately, through research advances, a cure for diabetes and its devastating complications will be found, resulting in millions of lives and billions of dollars saved. The public and private sector support for diabetes research has led to substantial progress. The Congress' steadfast support for medical research funding through the National Institutes of Health has not only brought us closer to a cure for diabetes, it has also produced new and better management techniques which would have been unimaginable only two decades ago. Recent studies show that U.S. health expenditures for people with diabetes exceed $130 billion per year, or one out of every seven health care dollars. Clearly, increased public and private support for medical research is critical to controlling health care costs.

The Juvenile Diabetes Foundation International (JDF) is dedicated to supporting research to find a cure for diabetes and its complications, and to improving the lives of people with diabetes through research progress. JDF is a not-for-profit, voluntary health agency with over 100 chapters in the U.S. alone.

STATEMENT BY THE AMERICAN ASSOCIATION OF DIABETES EDUCATORS IN SUPPORT OF LEGISLATION TO IMPROVE MEDICARE COVERAGE FOR PEOPLE WITH DIABETES AND TO SUPPORT DIABETES SELF-MANAGEMENT TRAINING

The American Association of Diabetes Educators, which has more than 10,000 health care professionals who teach people with diabetes how to manage their disease, supports the diabetes reform legislation being introduced today by representatives Elizabeth Furse and George Nethercutt.

This legislation, which incorporates two bills introduced in the 104th Congress, H.R. 1073 and H.R. 1074, would provide diabetes outpatient self-management training services under Part B of the Medicare program and uniform coverage of blood-testing strips for individuals with diabetes.

We know the critical role diabetes education plays in the treatment of this disease. Each day we help people with diabetes lead healthy, productive lives. Each day we help to prove that diabetes education saves lives and potentially billions in Medicare expenditures each and every year.

While difficult for some, these modifications can dramatically reduce some of the more serious and expensive complications which result from untreated diabetes.

There are many case studies that prove the importance of diabetes education and self-management. Take for instance the case of Mr. H.L.

H.L. is a 72-year old Medicare subscriber who has had insulin-treated diabetes for the past 17 years. Six years ago, H.L. averaged two hospital admissions per year for uncontrolled diabetes. He was at high risk for cardiovascular disease because of cholesterol levels 1½ times normal. And, tragically, his right leg was amputated below the knee.

You see, H.L. had walked for a day in wet shoes. Because he had a lack of feeling in his feet, he didn't realize an ulcer had developed on his foot until it was many days later—much too late for treatment.

H.L. had never been taught to monitor his blood glucose levels—and he hadn't been told that he needed to regularly examine his feet and legs for any abnormalities.

Now, six years later, H.L. tests his own blood glucose levels each day. His cholesterol levels are within the normal range. And, despite having an increased risk of another amputation, H.L. has his left leg and has not been admitted to the hospital for uncontrolled diabetes since he began self-management training.

We cannot win the fight against diabetes without empowering individuals with the skills to manage this disease. Because no cure is currently available for diabetes, diabetes education is one of our only and most potent weapons.

Armed with this weapon, H.L. has prevented the amputation of his left leg—as well as the frequent and costly hospitalizations when this disease became uncontrollable.

Now is the time to make a dramatic impact on the Medicare system—and more imporantly—on the lives of people with diabetes. Now is the time to recognize that diabetes education pays for itself over a relatively short period of time—and will save billions in Medicare expenditures each year.

How is this possible? Consider that for an average $50 visit to a diabetes educator, people like H.L. can learn how to eliminate $1,000 per day hospital stays.

For an average $50 visit to a diabetes educator, people can save the hundreds of thousands of dollars spent each year treating cardiovascular disease and kidney disease associated with diabetes.

For an average $50 visit to a diabetes educator, $30,000 amputations, like H.L.'s, can be prevented not only saving the money spent on the procedure, but the costs of further treatment and rehabilitation.

Today, on behalf of the 10,000 diabetes educators from around the country, the American Association of Diabetes Educators strongly supports congressional action on this important diabetes legislation to benefit the more than 16 million Americans afflicted with this disease.

STATEMENT OF THE AMERICAN DIETETIC ASSOCIATION IN SUPPORT OF DIABETES SELF-MANAGEMENT TRAINING

The American Dietetic Association, the world's largest organization of nutrition professionals, strongly supports legislation which would provide coverage of diabetes outpatient self-management training services under Part B of the Medicare program. Dietitians recognize that self-management training—which includes medical nutrition therapy—is essential if individuals with diabetes are to successfully manage their disease.

Numerous studies, such as the Diabetes Control and Complications Trial, have shown that control of blood sugar levels can help patients prevent or delay diabetes-related complications. A study conducted in 1994 by the International Diabetes Center in Minneapolis, MN, for The American Dietetic Association showed that persons with non-insulin dependent diabetes mellitus—also known as type II diabetes—can better control their blood sugar levels, weight and cholesterol with medical nutrition therapy. Medical nutrition therapy is the use of specific nutrition services to treat a chronic condition, illness or injury. At all phases of the six-month study, medical nutrition therapy provided by a registered dietitian resulted in improvements in patients' fasting plasma glucose (FBG) and glycated hemoglobin levels (HBA1c) compared to levels at the onset of the study.

Medical nutrition therapy is a cornerstone of self-management training and has been proven to significantly save health care costs by reducing the incidence of complications—including lower extremity amputations, kidney failure, blindness, heart attacks and frequent hospitalization. An internal analysis of nearly 2,400 case studies submitted by American Dietetic Association members show that on average more than $9000 per case can be saved in type I diabetes (insulin-dependent) cases with the intervention of medical nutrition therapy. Intervention in type II diabetes cases showed a savings of nearly $2000 per case.

Enactment of legislation providing coverage for diabetes self-management training will correct a monumental oversight in Medicare coverage by providing the essential training and nutrition services that have been recognized as critical to the treatment of diabetes. The nearly 70,000 members of The American Dietetic Association strongly support action by the congressional leadership to enact this important legislation immediately.

STATEMENT OF P. MICHAEL CONN, PH.D., PRESIDENT, THE ENDOCRINE SOCIETY, ON BILL FOR DIABETES MANAGEMENT PROGRAMS

''The Endocrine Society applauds the efforts of Reps. Elizabeth Furse and George Nethercutt, whose goal is to improve the quality of life for patients with diabetes. And as a constituent of the Congresswoman from Oregon, I extend special recognition to her for her bill.

''The state of diabetes care in the U.S. calls for the kind of reform proposed in this

legislation. In too many instances, people with diabetes do not have access to the management programs and equipment necessary to properly care for their illness. Without these management tools, diabetic patients face higher risks of the long-term complications that rob them of their sight and mobility.

''Diabetes is a chronic illness, but one that can be controlled—even reversed—when patients have access to and follow appropriate management programs under the care of an endocrinologist. Medical science has shown that complications of diabetes do not have to happen. Costs associated with chronic illnesses have been identified as a significant health care crisis that we will face in the future, according to a study released in November 1996 by the Robert Wood Johnson Foundation. An earlier taxpayer-funded study has already proven that management programs reduce complications from diabetes.

''Fewer complications means a greater quality of life for the 16 million Americans with diabetes and a lower health care bill for all Americans. Our Medicare program needs the common-sense, cost-saving reform proposed in this bill. As soon as it is passed, we will begin to invest in economical diabetes prevention programs that improve patients' lives and save the country's health care dollars.''

LILLY SUPPORTS MEDICARE COVERAGE IMPROVEMENT FOR DIABETES PATIENTS

Representatives Elizabeth Furse (D-1st-OR) and George Nethercutt (R-5th-WA) will introduce a bill requiring Medicare coverage of self-management training services and blood testing strips, important preventive measures for people with diabetes who want to stay healthy and avoid complications. Eli Lilly and Company vigorously supports the Furse-Nethercutt diabetes bill.

More than 16 million Americans have diabetes, a serious disease that affects the body's ability to produce or respond properly to insulin, a hormone that allows blood sugar to enter the cells of the body and be used for energy. Approximately half of all diabetes cases occur in people older than 55.

Studies show that providing coverage for diabetes supplies, and self-management training directly helps people with diabetes avoid devastating and costly complications like kidney failure, heart attack, stroke, blindness and amputations.

According to the American Diabetes Association, diabetes costs the U.S. $138 billion a year in health costs. About one-fourth of the Medicare budget (nearly $30 billion a year) is devoted to treating diabetes and its complications. People on Medicare are one-and-a-half times more likely to have diabetes and its complications than other persons. Yet Medicare does not cover the tools to properly manage their disease.

Two-thirds of diabetes expenditures are related to the complications of the disease. The American Diabetes Association estimates that up to 85 percent of the complications associated with diabetes can be prevented. Yet today, only 30 percent of all patients receive any type of diabetes self-management training.

Lilly is a leader in diabetes care, celebrating 75 years of lifesaving Lilly insulin in 1996. In addition to providing disease treatments, Lilly specializes in diabetes education, teaching patients about the roles of diet, exercise, medication and monitoring their blood glucose levels to best manage their disease. Through our PCS subsidiary's Information Warehouse of 1.2 billion pharmacy records, Lilly helps physicians and health care providers identify particularly vulnerable points in the progression of diabetes.

Lilly believes the Furse-Nethercutt bill will prove to be extremely valuable as a prevention measure for people with diabetes, while helping reduce future Medicare costs.

COMMUNITY RETAIL PHARMACY COALITION,
Alexandria, VA, January 7, 1997.

Hon. ELIZABETH FURSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FURSE: The Community Retail Pharmacy Coalition is writing to indicate its support for your bill to improve Medicare coverage of outpatient self management training and blood testing strips for diabetics. The Coalition consists of the National Community Pharmacists Association (NCPA), representing independent retail pharmacy, and the National Association of Chain Drug Stores (NACDS). Collectively, the 60,000 retail pharmacies represented by the Coalition provide 90 percent of the 2.3 billion outpatient prescriptions dispensed annually in the United States.

This program will help reduce the relatively high percentage of Medicare expenditures which result from caring for Medicare's significant diabetic population. We understand that this program will save Medicare $1.6 billion over the next six years. Allowing Medicare beneficiaries to use their local retail pharmacy provider to obtain this education and training makes sense. The nation's community retail pharmacies already provide a convenient location for Medicare beneficiaries to obtain the supplies that they need to help manage their diabetes, such as insulin and test strips.

The Coalition supports this bill, but asks that you assure that pharmacists meeting the educational requirements to participate in the program are, in fact, eligible for payment for these services under Medicare. The bill defines a ''provider'' as an individual or entity that provides other items or services to Medicare beneficiaries for which payment may be made. Pharmacies already provide such items and would appear to qualify as a ''provider'' under this bill. However, pharmacies are not currently classified as ''suppliers'' under the Medicare program, and we urge that your bill do so to assure that pharmacies qualify under this important program.

We believe that similar programs to increase quality and reduce costs could be developed for other disease states that are common in the Medicare population, such as asthma and high blood pressure. We would be very willing to work with you on developing such programs. We acknowledge and applaud your leadership in increasing the quality of care for diabetics who are covered by Medicare.

Sincerely,

RONALD L. ZIEGLER,
President and Chief Executive Officer, NACDS.
CALVIN N. ANTHONY,
Executive Vice President, NCPA.

INTRODUCING THE HEALTH CARE COMMITMENT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MORAN of Virginia. Mr. Speaker, today, I rise to the ''Health Care Commitment Act.'' This legislation allows Medicare eligible military retirees and their dependents to voluntarily participate in the Federal Employee Health Benefits Program.

We recruit young men and women to serve in our nation's military with a promise that the government will provide them health care for life. While this is not a contract, many men and women enlist with the good faith belief that we will provide their medical needs for when they retire. After these men and women have served their country and turned 65, the Department of Defense reneges on its promises, turns them away from its insurance programs and effectively denies them access to its medical treatment facilities.

The Department of Defense is the only large employer in this nation that kicks its retirees out of its health insurance programs. But it does not need to be. Civilian employees in the same Department of Defense, and throughout the government, are given the opportunity to participate in one of the finest health insurance programs in the country. The Federal Employees Health Program is an established health insurance program that enables employees to choose from a range of health insurance packages. Federal retirees, unlike their counterparts who served in the military, are not dropped from their insurance plans when they turn 65 and are not placed at the bottom or priority lists. Instead they are treated with the respect and dignity that they deserve.

My legislation ensures that all federal retirees, whether they served their nation as a member of the armed forces or as a civilian employee, are treated with the same dignity and have an equal opportunity to participate in the Federal Employees Health Benefits Program.

THE ENTERPRISE RESOURCE BANK ACT OF 1996

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BAKER. Mr. Speaker, today I am introducing legislation, with my distinguished colleague, the Minority Leader of the Capital Markets Subcommittee, Rep. PAUL KANJORSKI (D-PA), to reform the Federal Home Loan Bank System (FHLB). Throughout the 104th Congress, Mr. KANJORSKI and I have worked diligently to craft a bi-partisan reform bill. This legislation reflects the product of our subcommittee from April of last year.

While this bill reflects general consensus among members of the subcommittee, we are committed to working with other members of the full committee as well as the Administration to craft a bill that reflects most concerns. Greater attention will be given to the regulation and governance of the Bank System, the proper capital structure, the membership profile, and the mission of the system.

The Federal Home Loan Bank System was established in 1932 primarily to provide a source of intermediate- and long-term credit for savings institutions to finance long-term residential mortgages and to provide a source for liquidity loans for such institutions, neither of which was readily available for savings institutions at that time the Federal Home Loan Bank system was created.

In recent years, the System's membership has expanded to include other depository institutions that are significant housing lenders.

The segment of savings institutions and other depository institutions that are specialized mortgage lenders has decreased in size and market share and may continue to decrease. The establishment of the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Government National Mortgage Association (Ginnie Mae) and the subsequent development of an extensive private secondary market for residential mortgages has challenged the Federal Home Loan Bank System as a source of intermediate- and long-term credit to support primary residential mortgages lenders.

For most depository institutions, residential mortgage lending has been incorporated into the product mix of community banking that typically provides a range of mortgage, consumer, and commercial loans in their communities.

Community banks, particularly those in rural markets, have a difficult time funding their intermediate- and long-term assets held in portfolio and accessing capital markets. For example, rural nonfarm businesses tend to rely heavily on community banks as their primary lender. Like the savings associations in the 1930's, these rural community banks draw most of their funds from local deposits. Longer-term credit for many borrowers in rural areas may therefore be difficult to obtain. In short, the economy of rural America may benefit from increased competition if rural community banks are provided enhanced access to capital markets.

Access to liquidity through the FHLB System benefits well-managed, adequately-capitalized community banks. For these banks, term advances reduce interest rate risk. In addition, the ability of a community bank to obtain advances to offset deposit decreases or to temporarily fund portfolios during an increase in loan demand reduces the bank's overall cost of operation and allows the institution to better serve their market and community.

Used prudently, the FHLB System is an integral tool to assist properly regulated, well-capitalized community banks, particularly those who lend in rural areas and underserved neighborhoods, a more stable funding resource for intermediate- and long-term assets.

With that in mind, I have introduced this legislation today to enhance the utility of the Federal Home Loan Bank System. I want the mission of the system to remain strong in the ability to help Americans realize the dream of home ownership, but equally as important: I want the System to enrich the communities in which Americans build their dreams.

America is the world capital of free enterprise. Free enterprise is the foundation on which the ''American Dream'' is built, and it is the engine by which ''American ingenuity'' is driven. My legislation will help nurture American free enterprise. That is why I call this bill the ''Enterprise Resource Bank Act.''

The Enterprise Resource Bank Act will strengthen the System's mission to promote residential mortgage lending (including mortgages on housing for low- and moderate-income families. Enterprise Resource Banks will facilitate community and economic development lending, including rural economic development lending. And Enterprise Resource Banks will facilitate this lending safely and soundly, through a program of collateralized advances and other financial services that provide long-term funding, liquidity, and interest-rate risk management to its stockholders and certain non-member mortgages.

Since 1932, the Bank System has served as a link between the capital markets and local housing lenders, quietly making more money available for housing loans at better rates for Americans. Today the Federal Home Loan Banks' 5,700 member financial institutions provide for one out of every four mortgage loans outstanding in this country, including many loans that would not qualify for funding under secondary market criteria. The Bank System accomplishes this without a penny of taxpayer money through an exemplary partnership between private capital and public purpose.

More than 3,500 of the Bank System's current members are commercial banks, credit unions and insurance companies that became eligible for Bank membership in 1989. They demonstrate the market's value of the Bank System by investing in the capital stock of the regional home loan banks. These institutions have recognized the advantages of access to the Bank System's credit programs and have responded to their local communities' needs for mortgage lending. As the financial marketplace grows larger and more complex, I envision the Bank System as a necessary vehicle for serving community lending needs especially in rural and inner-city credit areas.

The Federal Home Loan Bank System serves an active and successful role in financing community lending and affordable housing through the Affordable Housing Program (AHP) and the Community Investment Program (CIP). The AHP program provides low-cost funds for member institutions to finance affordable housing, and the CIP program supports loans made by members to community-based organizations involved in commercial and economic development activities to benefit low-income areas.

The Federal Home Loan Banks' loans (advances) to their members have increased steadily since 1992 to the current level of more than $122 billion. Since 1990, the Banks have made $7.1 billion in targeted Community Investment Program advances to finance housing units for low- and moderate-income families and economic development projects. In addition, the Banks have contributed more than $350 million through their Affordable Housing Programs to projects that facilitate housing for low- and moderate-income families.

While these figures are impressive, the Federal Home Loan Bank System needs some fine tuning to enable it to continue to meet the needs of all its members in a rapidly changing financial marketplace. The Enterprise Resource Bank Act of 1996 recognizes the changes that have occurred in home lending markets in recent years, which is reflected in the present composition of the Bank System's membership. Enacting this legislation will enhance the attractiveness of the Banks as a source of funds for housing and related community development lending, and will encourage the Banks to maintain their well-recognized financial strength. Specifically, my legislation: targets the Bank System's mission in statute to emphasize the System's important role of supporting our nation's housing finance system and its potential role of supporting economic development by providing long term credit and liquidity to housing lenders; establishes voluntary membership and equal terms of access to the System for all institutions eligible to become Bank System members, and eliminates artificial restrictions on the Banks' lending to member institutions based on their Qualified Thrift Lender status; equalizes and rationalizes Bank members' capital stock purchase requirements, preserving the cooperative structure that has served the System well since its creation in 1932; separates regulation and corporate governance of the Banks that reflect their low level of risk ensuring the Banks can meet their obligations; and modifies the methodology for allocating the Bank System's annual $300 million REFCORP obligation so that the individual Banks, economic incentives are consistent with their statutory mission to support primary lenders in their communities.

Taken together, these interrelated provisions address the major issues identified in a recent series of studies of the Bank System that Congress required from the Federal Housing Finance Board (FHFB), the Congressional Budget Office (CBO), the General Accounting Office (GAO), the Department of Housing and Urban Development (HUD) and a Stockholder Study Committee comprised of 24 representatives of Federal Home Loan Bank shareholder institutions from across the country.

The Enterprise Resource Banks Act will make the Banks more profitable by enabling them to serve a larger universe of depository institution lenders more efficiently, and it will return control of the Banks to their regional boards of director who are in the best position to determine the needs of their local markets. At the same time, it will provide for the safety and soundness oversight necessary to ensure that this large, sophisticated financial enterprise maintains its financial integrity and continues to meet its obligations.

I first offered comprehensive legislation to modernize the Bank System in 1992. The legislation is the culmination of efforts over the last three years to address in a balanced way the concerns of the Banks' member institutions, community and housing groups, and various government agencies. Together with my respected colleague, Rep. PAUL KANJORSKI, I look forward to passage of this important legislation to modernize an institution that works to improve the availability of housing finance and the opportunity of credit for all Americans, particularly those who are underserved.

HOMEOWNERS' INSURANCE AVAILABILITY ACT OF 1997

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LAZIO of New York. Mr. Speaker, today I introduce the Homeowners' Insurance Availability Act of 1997 as a first step toward addressing the exploding costs of Federal natural disaster assistance. Between 1988 and 1994, the Federal Government spent more than $45 billion in disaster assistance, of which approximately half was for residential losses. Like coastal areas in many parts of the country, the shoreline homeowners in my Long Island district have been particularly hard hit by recent winter storms and nor'easters.

The force of such natural disasters have left Long Island's south shore coastline, and other coastal areas throughout our Nation, in a delicate state. In this environment, States have begun to experience declining homeowners insurance availability in disaster-prone areas. This bipartisan legislation provides a Federal backstop for state-operated insurance programs, and complements existing insurance industry efforts without encroaching upon the private sector. The bill allows State officials and local industry leaders to create the most appropriate solutions to State and local needs.

The Homeowners' Insurance Availability Act of 1997 authorizes the Secretary of the Treasury to offer annual Federal reinsurance contracts to eligible State insurance programs Covered losses include residential property losses resulting from earthquakes and hurricanes, as well as other losses determined appropriate by the Secretary. The bill requires neither States nor individuals to participate in the program, and envisions an entirely self-sustaining insurance fund with no direct taxpayer liability. Total Federal coverage is capped at $25 billion, and is phased in over a period of 4 years.

In introducing this bill, we pay tribute to the late Congressman BILL EMERSON and his efforts to provide protection for American families from the devastation of natural disasters. Over the last several years, Congressman EMERSON attempted to comprehensively address the multitude of issues surrounding natural disaster assistance. Although this bill will be devoted solely to providing State-run insurance programs with Federal reinsurance, I look forward to other free-standing legislation that addresses the variety of relevant issues.

Improving homeowners insurance availability in disaster-prone areas will be one of my highest priorities during the 105th Congress. The Homeowners' Insurance Availability Act of 1997 continues the working partnership between the Federal Government and States and provides improved safeguards that many homeowners in disaster-prone areas desperately need. The consequences of insurance illiquidity, in the form of lower property values and fewer home resales, must be addressed. I look forward to hearings across the country in our most vulnerable areas, listening to industry experts, State officials and families affected by catastrophe, as we perfect this legislation that is long overdue.

The following are a section-by-section analysis and background summary of the legislation to be included in the RECORD.

HOMEOWNERS' INSURANCE AVAILABILITY ACT OF 1997

BACKGROUND

The rising toll from natural disasters has placed a severe strain on homeowners' insurance markets in many parts of the country in recent years. Events such as Hurricane Andrew and the Northridge Earthquake have demonstrated that insurers face the risk of insolvency if they are overly concentrated in areas prone to large earthquakes or hurricanes. As a result, many insurers have withdrawn from these markets or stopped underwriting new business, thereby making homeowners' insurance difficult to obtain.

State insurance commissioners and state legislatures have created programs to prevent or forestall an insurance availability crisis in several instances. These efforts include the Florida Catastrophe Reinsurance Fund, a state-mandated, privately funded pool providing a backstop to residential insurers after a major hurricane; the California Earthquake Authority, a state-run, privately funded entity offering earthquake insurance coverage to homeowners throughout the state, and the Hawaii Hurricane Relief Fund, the sole source of residential hurricane insurance coverage throughout the islands.

Besides the programs mentioned above, proposals are under varying degrees of consideration in Texas, Louisiana, New York, North Carolina and Virginia. In New York, more than 62,000 homes and businesses in inter-city and coastal communities currently are covered by the New York Property Insurance Underwriting Authority, a state-sanctioned insurer of last resort. Other proposals, including one similar to the Florida Catastrophe Reinsurance Fund, are likely to be proposed in Albany in coming months.

It is appropriate that solutions to address insurance availability originate at the state level. The magnitude of risk, as well as the size and nature of the local insurance market, differs from one jurisdiction to the next. What works in one locale may not be viable in another. State insurance commissioners and state legislatures are in the best position to determine the proper design for any program to address local needs.

However, there are certain limitations to what a state can do. A state program will likely have sufficient capacity to cover the vast majority of possible catastrophes. However, some events are so large as to drain even the most carefully constructed state program. Even though the chances of such an event are low, the very possibility of one has a chilling effect on the creation of state programs as well as the recovery of the private insurance market.

The Florida Catastrophe Reinsurance Fund, the California Earthquake Authority and the Hawaii Hurricane Relief Fund all share the problem of being unable to cover losses from the worst-case disasters. For example,, both the Florida fund and the California authority would be insolvent after disasters causing more than $10 billion in insured residential losses. While that level of loss is higher than that experienced to date, including the Northridge Earthquake and Hurricane Andrew, the possibility of events in the $10 billion plus range are certainly possible. Similarly, the Hawaii fund also has a limit well below the theoretical exposure in the state. The fund's maximum capacity is $1.5 billion, which is roughly the loss from Hurricane Iniki.

In the aftermath of a large disaster that exceeds a state program's capacity, it is likely that many homeowners insured by these programs will not be immediately or fully compensated for their losses. In fact, the California and Hawaii programs must, by law, prorate claims if funds are inadequate to cover all losses. Because there are no precedents, one can only speculate what the consequences of these funding shortfalls might be. However, an increase in mortgage defaults and a drop in real estate values are likely.

Lacking some additional backstop, state residential insurance programs are destined to fail at precisely the moment they are most needed. That is why a complimentary program at the federal level is so critical. Such a program will improve the effectiveness of state initiatives and help ensure that claims after a major catastrophe will be paid in full. In addition, maintaining the integrity of state programs even after large losses will help stabilize private insurance markets and encourage new protection of homeowners' investments.

Creating a federal insurance backstop to state homeowners' insurance availability programs has several advantages over other proposals that have been considered.

Unlike plans directly involving the federal government in the business of providing homeowners insurance to consumers or reinsurance coverage to individual insurance companies, this legislation limits federal involvement to a direct relationship with the states.

The federal program is completely voluntary. It does not compel any state to participate. In fact, the sale of federal insurance can only occur once a state has gone to the trouble and assumed the risk inherent in creating a homeowner's insurance availability program. If the private market is functioning adequately, or if local availability problems can be addressed without the need of a larger solution, then the federal program is a non-issue.

HOMEOWNERS' INSURANCE AVAILABILITY ACT OF 1997—SECTION-BY-SECTION ANALYSIS

Section 1: Title cited as ''Homeowners' Insurance Availability Act of 1997''

Section 2: Congressional Findings that homeowners' insurance is becoming increasingly difficult to purchase, due to increased natural disasters and that there is a federal role in providing a reinsurance program for states that meet those needs beyond the capacity of the state's claims paying capacity.

Section 3: Program Authority to the Secretary of Treasury to provide a federal reinsurance program through reinsurance contracts through a Disaster Reinsurance Fund (Fund) in Sec. 9.

Section 4: Eligible Purchasers are state insurance programs and state reinsurance programs.

Section 5: Qualified Lines of Coverage provide specifically for residential property and other losses as determined appropriate by the Treasury Secretary.

Section 6: Covered Perils include (i) earthquakes, (ii) perils ensuing from earthquakes (fire and tsunami) and, (iii) hurricanes.

Section 7: Terms of Reinsurance Contracts are no more than 1 year, with claim payments only to state insurance or reinsurance programs and a payout at the occurrence and level where disasters costs exceed the state's claim paying capacity. Qualified losses include only property covered under the contract that are paid within a 3 year period from the natural disaster event. Pricing is established by the Secretary, in consultation with the Independent Commission on Catastrophe Risks and Insurance Loss Costs and based on actuarial analysis, a risk load not less than 2 times the risk-based price and administrative costs. Finally, in cases where Treasury borrowing occurs, contract purchasers and recipients of aid from proceeds of borrowed funds are required to continue purchasing contracts until borrowed funds are repaid.

Section 8: Level of Retained Losses and Maximum Federal Liability is limited to contracts at $2 or $10 billion or any other amount determined by the Secretary with the limitation that contracts are greater than the current claims-paying capacity of the state operated plan with a maximum yearly liability of $25 billion. The Secretary is authorized to phase-in maximum yearly liability during the initial 4 years of the program. Annual adjustments are authorized.

Section 9: Disaster Reinsurance Fund is established within the Treasury Department to accept proceeds from the sale of contracts, borrowed funds, investments or other amounts. Borrowed funds are limited to an amount not to exceed the Fund's capacity to repay within 20 years, with appropriate interest. Except for borrowed funds or start-up costs in Section 10(g), no federal funds are authorized or appropriated for the Fund.

Section 10: National Commission of Catastrophe Risks and Insurance Loss Costs is established with an appropriation of $1 million for initial start-up costs.

Section 11: Report on Secondary Market Mechanism For Reinsurance Contracts requires the Treasury Secretary to create a mechanism to sell excess-loss contracts (at least 20 percent of the total written dollar value) in the capitol markets and report back to Congress, within 18 months, with recommendations for statutory change.

Section 11: Definitions.

AGRICULTURE ADVISORY BOARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of a group of individuals who have been of great service to me during the past 2 years. This group is the Agriculture Advisory Board for the 12th Congressional District of Illinois. The 13 members of the Ag Advisory Board members represent each of the nine counties in the district. The group met several times throughout the 104th Congress.

This last Congress will be memorable one for the agricultural community. The recently implemented Farm Bill of 1996 has changed the way producers receive payments from the Federal Government. These payments, set at specified decreasing amounts each year for the next seven years, replaces the former system of deficiency payments, which payed farmers based on market conditions. The legislation also recognizes the need for greater exports of our American-grown commodities. Illinois is a leader in the production of corn, wheat and soybeans. The opportunities for greater exporting will improve the economy in each member's town and throughout the state.

I commented each member for giving of his time and insights to help make well-informed decisions. The members of my Agriculture Advisory Committee during the 104th Congress were Mike Campbell of Edwardsville, John Deterding of Modoc, Lawrence Dietz of DeSoto, Edwin Edleman of Anna, Greg Guenther of Belleville, Craig Keller of Collinsville, Marion Kennell of Thompsonville, Vernon Mayer of Culter, Dave Mueller of East Alton, Larry Reinneck of Freeburg, Bill Schulte of Trenton, Jim Taflinger of Cache, and Lyle Wessel of Columbia.

I am pleased that these gentlemen will be staying on the Ag Advisory Board during the 105th Congress. The Farm Bill has brought about spending cuts in many farm programs, and each board member's input will be critical to me as I review the various Federal programs in an oversight and appropriations capacity. I look forward to working with each member on agricultural matters during the 105th Congress. I ask my colleagues to join me in recognizing these individuals.

LENDING ENHANCEMENT THROUGH NECESSARY DUE PROCESS ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, I rise today to reintroduce the Lending Enhancement Through Necessary Due Process Act.

In the aftermath of the Savings and Loan [S&L] crisis, Congress empowered the Federal Deposit Insurance Corporation [FDIC], the Resolution Trust Corporation [RTC], and other agencies to prosecute the S&L crooks and pursue other wrongdoers through civil suits to collect damage awards to lessen the taxpayer costs of the thrift debacle.

Although the government's efforts have been successful in carrying out Congress' mandate, government agencies have launched a zealous civil litigation campaign against anyone even remotely connected to a failed bank or thrift. Litigation against marginal defendants and the use of highly-paid outside counsel have aggravated the credit crunch in the early 1990's. Directors and officers in financial institutions are reluctant to make character loans or business loans with any element of risk for fear that they could be accused of negligence by the regulators if the loan ever failed. Currently, banks and thrifts have found it difficult to attract qualified bank directors and officers because of the campaign of fear brought on by the regulators.

Taxpayer funds have been wasted and the lives and reputations of countless individuals are being ruined. In their fervor to squeeze every last dollar out of S&L and bank professionals, the RTC and the FDIC are spending an inordinate amount of time and money pursuing marginal cases in which the culpability of the defendants is highly questionable. Faced with an enormous pool of potential individuals to sue, the FDIC and the RTC have employed over 2400 law firms, paying them more than $504 million in 1992 alone. These law firms had little incentive to reduce taxpayer costs and every incentive to bill thousands of hours in the pursuit of former directors and officers, regardless of their culpability. Meanwhile, defending these suits is a costly, demeaning, and time consuming enterprise. Many defendants have agreed to costly settlements, regardless of guilt, in order to avoid bankruptcy.

The Lending Enhancement Through Necessary Due Process Act will remedy these types of abuses and still allow the regulators to pursue culpable individuals. First, accused directors and officers will be allowed to assert defenses to overreaching accusations. One example is the business judgment defense. The courts in all of the States recognize the business judgement rule either by case law or by statute. This bill will establish defenses for business judgement, regulatory actions and unforseen economic consequences.

Second, this legislation would require that regulators have good cause to obtain the personal financial records of potential defendants. The current practice is to ask for the financial records of all parties and then sue the richest, regardless of culpability. This bill requires that the regulators demonstrate a violation of the law and the likelihood that the individual will dissipate assets.

Third, this act will give defendants additional protection to prevent the freezing of their assets without good cause. Finally, the standard for director and officer liability will be clarified by stating that the standard is gross negligence rather than simple negligence. I understand the Supreme Court has seen it necessary to take a closer look at the standard of negligence as it applies to these cases.

Mr. Speaker, although most of these cases have been brought to their final disposition, I strongly believe that changes need to be made so the abuses I described do not continue during the resolution of future failures. While I understand, but do not necessarily agree with, the need to use excessive force to resolve the S&L debacle, the time has come for the pendulum to swing back to the center. This bill will accomplish this.

COMMENTS UPON INTRODUCTION OF THE RATEPAYER PROTECTION ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STEARNS. Mr. Speaker, I rise today to introduce legislation that will not only save American consumers billions of dollars, but also reduce Federal regulation and promote competition in the electric power industry.

My bill will prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978—PURPA. Section 210 mandates utilities to buy power from a certain privileged class of generators of electricity at prices set not by the free market but by the government. In fact, the independent Utility Data Institute estimates that consumers pay as much as $8 billion a year more for their electric energy as a consequence of this anti-competitive mandate.

Simply put, PURPA is a Federal barrier to a more efficient, cost-effective, and competitive electricity industry. Each day we wait to deal with PURPA is another day that this mandate distorts electric markets and creates liabilities that will become stranded investments. Already, PURPA is estimated to have burdened the market with over $38 billion in stranded costs.

As I said upon introduction of virtually identical legislation during the 104th Congress, my only interest in introducing this bill lies in achieving the most efficient and most cost-effective means of electric generation for America's consumers. I am prepared to move forward with this bill as introduced, or as a part of a much broader legislative effort. Indeed, I am anxious to work with Chairman SCHAEFER, Chairman BLILEY, the House Committee on Commerce, and all other interested parties as Congress moves forward with its comprehensive examination of the industry. But it must be noted that we can take an important step toward the laudable end with the timely and sagacious elimination of PURPA's unnecessary and costly Federal mandate.

Everyone will agree that we must begin to explore a move toward an electricity industry that is based on competition, market force, and lower prices for ratepayers. This is certainly my objective as I introduce this imperative aspect of electricity reform legislation.

INTRODUCTION OF THE MEDICARE PREVENTIVE BENEFIT EXPANSION ACT OF 1997

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. THOMAS. Mr. Speaker, today I join with Mr. BILIRAKIS and Mr. CARDIN in introducing a

bill which will strengthen Medicare's coverage of certain preventive health care. This is a step in the right direction for our seniors—and for the Medicare Program. Preventive health care can translate into improved health and a better quality of life—and at the same time, reduce long-term health expenses. The private sector has for many years offered preventive benefits in insurance programs for working Americans. Medicare can do the same for senior citizens.

In past years, we examined Medicare's coverage policy for the possibility of expanding it to include certain preventive care. But each time, the Congressional Budget Office concluded that this would significantly increase Medicare costs. Last year, for the first time, CBO agreed that certain preventive health benefits could actually save Medicare money. Using this new level of understanding, we decide to include these savings and develop a responsible preventive health care program for our elderly. More important than the dollars we will save over the long term, this legislation assembles preventive methods that will save lives and enhance the quality of life for individuals suffering from certain medical conditions. In addition, these measures will empower seniors to have more control over their health through early detection of diseases, thereby increasing treatment options in many cases, and by educating patients on how to successfully manage their conditions.

The American Cancer Society estimates that one million people will be diagnosed with cancer this year, and there are more than 10 million people alive today with a history of cancer. Those who fight cancer, as either a patient or as a caregiver, know the tremendous burden such a battle brings. There is great financial cost for individuals, families, and society as a whole; the National Cancer Institute estimates national costs for cancer to be more than $100 billion each year. By providing Medicare beneficiaries with the access to expanded prevention procedures through coverage of mammographies, pap smears, pelvic exams, and colorectal and prostate screenings, this legislation seeks to reduce suffering and save lives by detecting cancer at an earlier, more treatable stage.

We also address a disease affecting more than 15 million Americans—diabetes. Without detection or proper treatment, diabetes can lead to kidney failure, amputation, nerve damage, blindness, extended hospitalizations, heart disease, and strokes. Medical care for diabetic patients costs more than $100 billion per year—accounting for 15 percent of all health care costs in the United States and a quarter of all Medicare costs. These medical complications and resulting costs are often avoidable through patient education on proper nutrition, exercise, blood sugar monitoring, activity and medication so that patients can take charge of their wellness. We not only empower people to take back control of their health care through patient self-management training, but we ease the financial burden by including blood-testing strips as durable medical equipment for the purposes of Medicare coverage. We also recognize the necessity of improving diabetes treatment and have added provisions requiring the Secretary of Health and Human Services to establish outcome measures to be reported to the Congress so we can change and adapt our coverage policies to reflect the medical needs of patients and not the arbitrary determinations of a Washington bureaucracy.

This legislation should make significant strides in improving the health care system for Medicare beneficiaries diagnosed with breast, cervical, colorectal, prostate cancer, and diabetes. We will do more, since new technology will enable early detection of other diseases. This bill will make a difference in millions of lives and for thousands of families, and I am proud to introduce this bill today, at the beginning of the new 105th Congress.

TRUE ELECTORAL REFORM: TERM LIMITS WITH 3 4-YEAR TERMS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing a proposed amendment to the Constitution that will not only limit the number of terms a Member of Congress may serve. This proposal would extend the length of a single term in the House from 2 to 4 years. Senators would remain in 6-year terms.

The arguments for term limits are well-known. The Founding Fathers could not have envisioned today's government, with year-round sessions and careers in Congress. Term limits would eliminate the careerism that permeates this institution, enticing Members to work toward extending their careers—a goal sometimes at odds with the common good. There are simply too many competing interest groups.

However, my proposal takes the essence of term limits, to limit the influence of careerism and the incessant campaigning it requires, by increasing the length of a term in the House of Representatives. Currently, each Member of the House serves 2-year terms. That means that after each election, a House incumbent must begin campaigning again almost immediately. This dangerous cycle almost never stops. A 4-year term would mitigate this to a certain degree. Looking at it another way, a person would have to run only three times to serve the maximum number of years. That is certainly an improvement, especially when tied to term limits.

Mr. Speaker, it is important to note that a 4-year term will not eliminate the House of Representatives' function as the people's House. Today's technology almost instantly allows people in Washington, DC to know how the people they represent in their district feel about issues of the day. No longer must Representatives periodically make the trek home to put themselves back in touch with the local wants and needs. Now we fly home on weekends, read our local papers in DC, receive countless polls and tune in to the news.

In the end, Mr. Speaker, there will be no loss of service by lengthening the term of office while limiting them. Indeed, it will improve as more attention is paid to legislating instead of campaigning. This is a complete reform package deserving of our attention.

VEHICLE FORFEITURE FOR REPEAT DRUNK DRIVERS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BLUMENAUER. Mr. Speaker, as sure as we are standing here tragedy will strike again on America's roadways. Within the next few week there will be another national example where repeat drunk drivers lay carnage on our streets.

Sadly, this is an all too frequent occurrence in our county. Over 17,000 people a year are killed because of drunk driving and hundreds of thousands are injured.

I have a long standing commitment to doing everything possible to stop people from getting behind the wheel after drinking too much. As a member of the Portland City Council, I introduced the first ordinance in the country to take away the cars of repeat drunk drivers. This law has had a dramatic effect.

In Portland we have confiscated almost a thousand cars and forfeited almost a third of those. Most importantly it has made a difference in terms of repeat drunk driving.

From 1994 to 1995, drunk driving deaths increased nationally. During that same time period, we saw a 42-percent decrease in these fatalities in Portland. Empirical studies show when you take away the car of the repeat drunk drivers it does get their attention, and the recidivism rate has dropped. This is a program that works.

Today I am reintroducing what was my first piece of legislation as a Member of the U.S. Congress. Currently States must meet five of seven eligibility criteria to receive a share of the $25 million in Federal drunk driving counter measure grants. My proposal will add another criteria to choose from, a program to confiscate the cars of repeat drunk drivers, like we've done in Portland.

I'm convinced that this simple step is going to move dramatically and spread the forfeiture concept around the country. Already, over 60 cities and counties have requested information on our program.

When so many issues pit one group against another, it is encouraging that taking away the cars of repeat drunk drivers has had such a broad coalition behind it. Law enforcement agencies, advocates like the Mothers Against Drunk Driving, beer and wine distributors, and others have all lent their support for Portland's program. I have begun to reach out to national coalitions and will continue to work with them on perfecting this bill.

NATURAL DISASTER PROTECTION AND INSURANCE ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I rise to introduce the Natural Disaster Protection and Insurance Act. As many of my colleagues know, I have taken a great interest in past efforts to reduce the impact of catastrophic disasters.

We know that areas most likely to experience natural disasters, like my State of Florida, are currently experiencing population

growth. As the population grows, demand for insurance grows while property values increase. Unless affordable insurance is available to these property owners, the Federal Government will continue to face open-ended liability. According to a policy paper prepared by the Clinton administration, private insurance plays a critical role in providing financial protection to living in disaster-prone areas by assisting in rebuilding, providing emergency living expenses, and reducing income losses. In fact, since 1989, private insurance companies have paid claims amounting to more than $30 billion.

Furthermore, a document issued by the Senate Bipartisan Task Force on Funding Disaster Relief in 1994 concluded that, between fiscal year 1977 and 1993, the Federal Government spent approximately $120 billion on natural disasters.

Mr. Speaker, the problem at hand is that the demand for insurance in disaster-prone areas is increasing while the supply of private insurance has not kept pace. Many large insurance companies which would ordinarily be competing for this premium income in disaster-prone areas have stopped writing new policies, while many other small- and medium-size companies have been reluctant to fill in the resulting gaps due to their fear of a truly catastrophic event.

Prior to the large number of disasters that began in the late 1980's, actuarial techniques used by insurance companies were inadequately reserving for disasters. For example, losses were estimated on a 30-year cycle. From late 1950 until the late 1980's few disasters occurred. As a result, prices for catastrophic insurance were low compared to the actual risk carried by U.S. insurers.

Due to the lack of insurance coverage available, my home State of Florida has embarked on the only path available after the devastation of Hurricane Andrew. It has set up the Florida Catastrophe Fund and enhanced the Joint Underwriting Association and Windstorm Association, both of which are to be the insurers of last resort for those who are unable to find insurance. However, no one should be forced to seek coverage from a more-expensive, less-responsive Government program, so it is incumbent on us as policymakers to find the proper incentives for the private sector to write more coverage. Otherwise, I can only believe this is a manmade disaster waiting to happen.

Our experience with State insurance pools demonstrate that States cannot go it alone when they are ravaged by destructive occurrences. Therefore, I believe action at the Federal level is needed to encourage private insurance companies, including smaller and medium-size companies, to continue insuring individual homeowners and businesses in areas prone by natural disasters. Additionally, action at the Federal level can be instrumental in encouraging high-risk areas to better prepare for such events.

Fortunately, a lot of exciting and innovative thought is taking place in the insurance industry. For example, many insurance companies are teaming up with investment banks to bring capital to their markets by securitizing risk and thereby increasing the amount of exposure they can carry. This innovative development will help alleviate the shortage of insurance for those in disaster-prone areas.

We, in Congress, should not do anything that stifles this creative spirit within the industry. However, we should use the Federal Government as a tool to complement the efforts being made by the private sector to deal with natural disasters.

I have introduced a bill that contains three main parts to address the issues created by natural disasters. First, this bill provides immediate relief in the form of reinsurance for primary insurers through a fiscally responsible prefunded bond approach. Currently, there is a shortage of mega-catastrophe reinsurance available for primary insurance companies and this bill will bring much-needed capital to those high excess layers of risk. Second, this bill calls for a study regarding the viability of changing the Tax Code to encourage insurance companies to reserve for catastrophic events. Third, this bill has a mitigation component designed to keep damage caused by natural disasters to a minimum when they inevitably strike.

This bill follows the important bipartisan work on this issue by Senator STEVENS, Senator DAN INOUYE, and former Congressmen BILL EMERSON and NORM MINETA. I believe this bill creates a framework that contains the essential elements to begin the dialog on this important issue facing this Nation. Congress needs to take a leadership role in bringing together all those involved in natural disaster planning in order to reach a resolution to this issue. I plan on working with my colleagues, the administration, State, and local governments, and with industry to find the right solution for the American people. It is my hope that we can hold hearings on this subject soon.

INTERNATIONAL CUSTOMS DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CRANE. Mr. Speaker, January 26 has been designated by the World Customs Organization [WCO] as International Customs Day, a time to give recognition to customs services around the world for the role they play in generating revenue and protecting national borders from unauthorized imports.

The U.S. Customs Service represents the United States in the World Customs Organization which, since 1953, has grown into a 142-member international organization. The WCO's purpose is to facilitate international trade, promote cooperation between governments on customs matters, and standardize and simplify customs procedures internationally. It also offers technical assistance in the areas of customs valuation, nomenclature, and law enforcement. The organization's objective is to obtain the highest possible level of uniformity among the customs systems of its member countries. The involvement of the U.S. Customs Service in the WCO reflects the recognition that our country and its trading partners benefit when international trade is facilitated by simple, unambiguous customs operations around the world.

I take this opportunity to offer my congratulations to the World Customs Organization on its past accomplishments and wish it well in its ambitious efforts to further harmonize and simplify customs regulations. I also congratulate the U.S. Customs Service for its many years of fine work both domestically and internationally.

IT IS TIME FOR TERM LIMITS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, I am pleased to introduce a proposed amendment to the Constitution limiting the terms of Members of the House to 12 years of service and Senators to 12 years of service. This is a proposal I have enthusiastically pushed for over the years and one I continue to support.

Many may remember the term limits bill the House considered in March 1995 as part of the Contract with America. This is the exact same bill. I was excited when the first ever vote in the House produced 227 ayes. While this is a majority, it was not the two-thirds majority needed to pass a proposed constitutional amendment. I look forward to addressing this issue again in the 105th Congress.

The arguments for term limits are numerous and persuasive. Volumes could be written on the issue, but I would like to stress one point. Term limits are not simply to create turnover for the sake of turnover. Sure, it is important to get fresh blood in Congress, but it is more important to change the institution as a whole in a manner that only term limits can achieve. Term limits would end the pervasive careerism in Congress.

Mr. Speaker, the status quo in Congress encourages longevity in service. One's impact in Congress is almost always directly related to the length of time the Member has served. This is due to the fact that the House and Senate are directed primarily by the elected leadership and the full and subcommittee chairmen. Few rise to these levels without significant time served.

Therefore, many Members will do their best to stay in Congress as long as possible, making it a career. It is my firm belief that human nature dictates that most Members of Congress, whether Republican or Democrat, are going to worry more about getting reelected than anything else in the career oriented environment of the present system. Consequently the tendency of most will be to try to please every interest group in order to get reelected. While term limits would not completely end this attitude, it would mitigate it considerably because term limits would mean that when somebody is elected to Congress they would know that they were only coming here to serve a short period of time, not to make a career out of it. I am firmly convinced that this is the single biggest obstacle to getting a balanced budget and making some of the tough decisions that have to be made as we move into the 21st century.

Finally, Mr. Speaker, term limits is supported by over 70 percent of Americans. This is not a partisan issue. It is a sound proposal with popular support. Isn't it time that Congress passed this critical reform?

INTRODUCTION OF THE STOP SWEATSHOPS ACT OF 1997

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CLAY. Mr. Speaker, last year, I joined with Senator KENNEDY and more than 50 other Members of Congress to introduce legislation to curb the reemergence of sweatshops in the domestic garment industry. Today, I am introducing that legislation once again.

Sweatshops have returned to the apparel industry in the United States in numbers and forms reminiscent of the turn of the century. Sweatshop employers exploit those who work for them, sometimes subjecting workers to slave-like conditions. By exploding workers, sweatshop employers derive an unfair and unlawful competitive advantage that harms law abiding employers, as well as workers and their families.

The Stop Sweatshops Act of 1997 strengthens the ability of the Department of Labor to enforce the Fair Labor Standards Act [FLSA] and improves the ability of workers in the garment industry to obtain redress for violations of the act. As importantly, at a time when the Congress is reducing funds available for enforcement of the labor laws, the bill encourages manufacturers in the garment industry to deal with reputable contractors and acts to balance market pressures that have encouraged the reemergence of sweatshops.

The reemergence of sweatshops represents a problem that cannot be allowed to continue to grow. As we approach the 21st century, we have an obligation to eliminate this vestige of the 19th century. I urge my colleagues to support this humane legislation.

THE FLORIDA WETLANDS MITIGATION BANKING STUDY ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation to authorize a study on a topic of growing environmental importance, mitigation banking. Specifically, this bill authorizes the Army Corps of Engineers to conduct a 2-year study in Florida on the process of authorizing mitigation banking and its effectiveness.

In an effort to minimize impacts to wetlands, mitigation banks have been created. In the past, developers who adversely impacted a wetland area were required to either restore an existing wetland or create a new one. The restoration was usually performed on the impact site and often resulted in small, scattered wetlands which were not effective in maintaining or restoring the overall health of the watershed.

A mitigation bank typically consists of a large parcel of land on which an entity voluntarily restores, enhances, creates, or preserves wetlands and uplands. These entities may be a developer or group of developers, a public agency, or a private firm that has rights to land for the creation of a mitigation bank. A bank is formed through an agreement between regulatory agencies and the bank sponsor. The entity establishing the mitigation bank is then given mitigation credits for work on the wetlands. Credits are assigned by State and Federal regulators, including local water management districts and the Army Corps of Engineers. These credits can be used as a ''debit'' at another site to offset unavoidable damage to wetlands.

Mr. Speaker, this process is becoming more and more widespread. Because of the potential impact mitigation banking has for the nation, it is important to examine it further to better identify both the advantages and disadvantages of the process. My bill allows the Corps to conduct a study which analyzes the establishment and use of mitigation banks under current federal guidelines and Florida law to determine if any further federal action is needed. Florida was chosen as a study state because it has some of the most advanced statutes and regulations on mitigation banks, and a large number of mitigation banks have already been established and used.

As this realively new procedure begins to spread, I believe that it is important that all aspects and potential effects are examined. My bill will provide a study that I hope will clarify the future federal role. I encourage your support for this bill and look forward to working with many of my colleagues on its passage.

REPRESENTATIVE PELOSI HONORED FOR HUMAN RIGHTS WORK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STARK. Mr. Speaker, Representative NANCY PELOSI was cited in a recent New York Times article for her work as a tireless advocate on behalf of human rights in China. She has been the persistent voice reminding this Congress and the administration that we cannot ignore the atrocities in China. They are too awful, too numerous for us not to recognize.

A large market like China can be seductive for those who see commercial gain to be made. They do not want to see the pain wrought by the Chinese Government operating in its normal course whether it be false imprisonment, loss of freedom of religion, speech and association, proliferation of nuclear weapons or even the illegal shipping and sale of AK–47s to our own streets.

Representative PELOSI is the voice that reminds us that there is no such thing as business as usual with China. She is to be commended for her tireless efforts. I commend to you the enclosed article by A.M. Rosenthal:

CLINTON'S CHINA WRIGGLE

(By A.M. Rosenthal)

President Clinton, his supporting cast of bureaucrats and even most of his political opponents are so twisting the essence of the visit to the White House of Communist China's top weapons dealer that the deeply important meaning is wrung right out of it. And that is no accident.

Mr. Clinton is doing what comes naturally at times of political embarrassment, the old Washington dance. Wriggle, two, three, four, wriggle, two three, gliiide, everybody sing out together: ''Doin' the White House wriggle!''

''It was inappropriate,'' the President says with a fine show of chin. Screening must be tightened!

Republicans and Democrats un-in-love with Mr. Clinton say no, the problem is political money.

Wang Jun, the Chinese Army's chief arms broker, missile salesman and weapons smuggler, was brought to a White House reception by an Arkansas businessman who became a hotshot Democratic fund-raiser.

Taking some of the stink out of fund-raising would be real nice. But it won't get at the why and how come of Mr. Wang, whose job is to make money and build power for the Chinese armed forces by peddling weapons worldwide, and whose name is known to every China expert, spook and high military officer in the world, getting to a White House do with the President.

Nor will it deal with the hypocrisy of the Administration now clucking about this fellow's visit in February when the man he reports to was the official guest of the United States Government just a couple of weeks ago. This one got to the White House not for a handshake but for a real sit-down meeting with none other than the old screening-tightener-upper, Mr. Clinton himself. He is Gen. Chi Haotian, who gave the order to kill dissidents in and around Tiananmen Square in 1989 and was promoted to Defense Minister by a grateful Politburo.

No, the answer to how these characters got to the White House is not political money or screening. It is Mr. Clinton's decision to base America's policy about Communist China on trade.

For Beijing, the principal purpose of trade is to build up its police and military power. The biggest owner of Chinese industry and commerce is the military establishment. It uses the profit to build more weapons to sell, particularly missiles amusingly forbidden under U.S. regulation, and to modernize its armies, including the police army operating the Chinese gulag.

There is no hiding place, not for Mr. Clinton, not for America's allies, not for American C.E.O.'s, not for the American consumer or stockholder: doing business with China means providing money for the Chinese armed forces. So let's not get all wriggly when China's killers and arms-selling chiefs show up at our parties.

Most of Mr. Clinton's political opponents are trapped by and with him. They went along with him in sacrificing democracy and American security to the Trade Gods. So, like him, they have to do something when a killer-salesman comes to Washington. Watch them dance.

How did a nice young fellow from Arkansas, who preached human rights when he ran for President the first time, sell them out a year later? Why did that nice Assistant Secretary of State for China affairs go along, after attacking the early Bush clone of the Clinton policy?

Why did Bob Dole, and his party, wipe out any difference of principle between them and Mr. Clinton on providing China with the huge trade profits to build its military power? Oh, who cares why; they did.

Well, it is holiday time. Here's a fine present: three names among those Washingtonians who fight for Chinese human rights and American democratic honor. In government, Nancy Pelosi, San Francisco's Representative, and in this cause truly all America's. Among the experts: William C. Triplett 2d, former chief Republican counsel to the Senate Foreign Relations Committee; indispensable to the struggle. In journalism, the conservative Washington journal The Weekly Standard—may its editorials against the sellout of China reach the conservative movement and awaken the liberal.

And to all readers who have written that they will not support the suppression of Chinese freedom by purchasing China-made goods, this column goes with respect and thanks. These people, they just do not know how to wriggle.

CREDIT OPPORTUNITY AMENDMENTS ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MCCOLLUM. Mr. Speaker, today I rise to reintroduce the Credit Opportunity Amendments Act which will fundamentally reform the Community Reinvestment Act [CRA] of 1977, and clarify the enforcement of our fair lending laws.

The original purpose of CRA was to encourage banks to loan into the communities in which they maintained deposit taking facilities.

In addition, the Members of the 95th Congress were concerned about redlining, the practice of denying loans in certain neighborhoods based on racial or ethnic characteristics. The enforcement mechanism chosen was to have CRA performance taken into account when regulators were deciding on applications by the banks.

When CRA passed in 1977, the Senate report stated that no new paperwork would be required under the new law. It was believed that examiners had all the information they needed on hand from call reports and their examination reports to enforce CRA. This is not the case. Instead of relying on existing information, regulators have created expansive new reporting requirements resulting in mounds of additional paperwork and many wasted hours that could have been used to serve the community.

CRA's enforcement mechanism has gone completely haywire. It has become what many refer to as regulatory extortion. By holding up applications on the basis of CRA protests, some community groups hope to get sizable grants or other contracts from banks. This happens all too often.

Recently, the Clinton administration has linked the enforcement of CRA with other fair lending statutes. This has placed the Justice Department in the position of being an additional bank regulator. This new bank regulator caught the lending industry off guard by using the disparate impact test for proving discrimination. Disparate impact is a controversial theory for proving discrimination in employment law purely using statistical data. Under this scenario, a lender can be found to have discriminated without some element of intent or without proving that any harm resulted from a lending practice.

This legislation remedies these problems while ensuring that lenders reinvest in the communities in which they serve. First, it replaces the current system of enforcement and graded written evaluations with a public disclosure requirement. This will dramatically reduce unnecessary paperwork and end the extortion-like nature of the current enforcement mechanism.

This approach allows bank customers to decide whether the bank is doing an adequate job in meeting its community obligations; not bureaucrats in Washington or organized community groups. If not, consumers can take their business elsewhere.

This will not end the congressional requirement that banks invest in their community. Nor will it stop organized groups from being involved. They will have the enforcement from the public disclosure on the bank's intentions and performance. They can raise any concerns with the bank or the regulators at any time. Consumers and the groups representing their interests can make their concerns known without having the extraordinary authority to hold up mergers and other obligations.

The second change in this bill makes the practice of redlining a violation of the Equal Credit Opportunity Act and the Fair Housing Act. Redlining will be defined as failing to make a loan based on the characteristics of the neighborhood where the house or business is located. Currently no prohibition against redlining in fair housing or fair lending exists, however, courts have interpreted these statutes to prohibit redlining. By placing a prohibition on redlining in statute, we will be sending a clear message that we are opposed to discrimination in lending in all forms, whether based on an individual's race, gender, age, sex, or makeup of the neighborhood where the individual lives or works.

This will also clarify that the method chosen to enforce our antidiscrimination laws is clear and resides in the fair housing and lending laws. No longer will regulators be forced to confront laws to attempt to address problems that the laws are inadequate for the purpose.

Third, the Credit Opportunity Amendment Act adds two criteria to the current use of the disparate impact theory. First, it requires regulators show actual proof that the lender discriminated and that the discrimination caused harm to the victim. Second, this legislation requires the party bringing suit to prove the lender intended to discriminate when making its lending criteria.

Finally, by designating a lead regulator to enforce our fair lending and community reinvestment statutes, we will have more even-handed enforcement of these laws. In turn, banks will be in a better position to know how to comply with them. Currently, confusion is the most prevailing reaction to the enforcement of CRA over the last 15 years and fair lending more recently.

The current bill makes substantial reforms to CRA which I strongly support. By enacting this legislation, we make a bold step to eliminate credit allocations in the guise of CRA and rationalize our regulation of the banking industry. At the same time, we make it absolutely clear that redlining is unacceptable and is against the law. Therefore, Mr. Speaker, I urge my colleagues to support my legislation in the 105th Congress.